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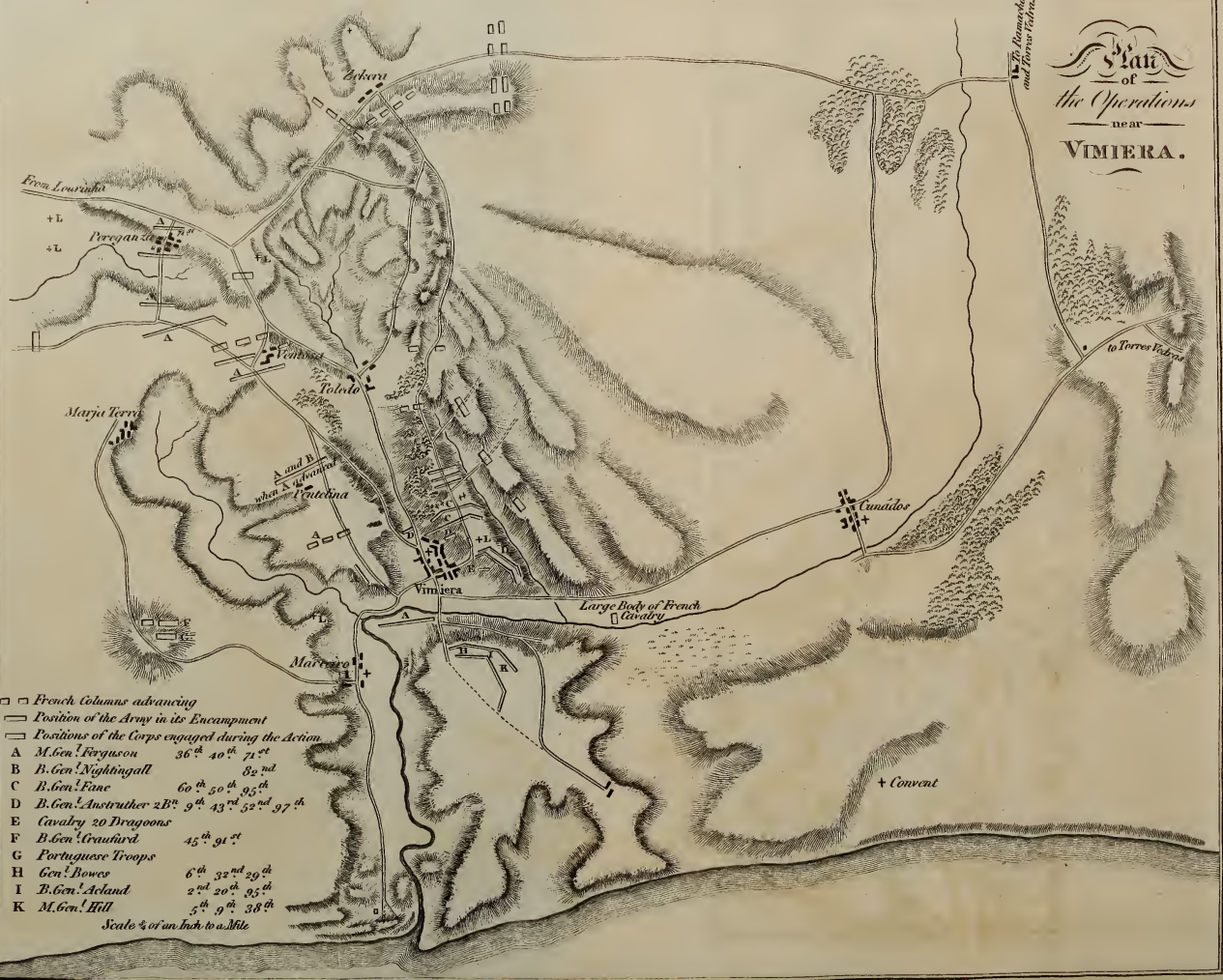
General Plan *of the Operations of the* BRITISH ARMY IN PORTUGAL *under the Rt. Honble. Lt. Genl. Sir Arthur Wellesley K.B.*

Pub. 2d. Jan. 1809. by J.J. Stockdale 41 Pall Mall.

GENERAL PLAN
of the
Operations of the British Forces,
in PORTUGAL,
Under Gen.l Sir A. Wellesley K.B.
1808.
to Mafra
French Position 22 Aug.t
to Cabeca de Montachique
to Bucellas
Ordinskera
Torres Vedras
Encampment
Encampment
French Encamp.t 18 to 19 Aug.t
Ramalhal
Pona Firma Conv.t
Schuta Cruz
Cunados
Junction of L'Oisson with La Borde and Brennier 18 Aug.t
Open Country
Cadaval
L'Oissons Division 17 Aug.t
Encampment 19 20 21 22 23 24 25 Aug.t
Vimiera
Puerro Novo
Toledo
Macera
Vedosa
Apicara
Bombaral
Pereanza
Marja Terra
Rivenal
Encampment 18 to 19 Aug.t
17 Aug.t
Zambogeira
St.t Domingo
Pequin
Encampment 18 to 19 Aug.t
Lourinha
Delgada
Corymbeira
Major Gen.l Ferguson's Post
Obidos

Published 20th June 1809, by T. Stockdale, 41 Pall Mall.

Plan of the Operations near VIMIERA.



London Published 2d Jan.y 1809, by H. Stockdale 41 Pall Mall.

S. Neele. Sculp.

THE

PROCEEDINGS

ON THE

ENQUIRY

INTO THE

ARMISTICE AND CONVENTION

OF

CINTRA,

AND INTO THE

CONDUCT OF THE OFFICERS CONCERNED,

BY

JOHN JOSEPH STOCKDALE,

Editor and Translator of Cevallos's Exposure of Bonaparte's Usurpation of the Crown of Spain—Lives and Campaigns of Gustavus Adolphus the Great and Charles XII. of Sweden, and Peter the Great of Russia—Encyclopædia for Youth, &c.

ILLUSTRATED WITH FIVE MILITARY PLANS.

LONDON:

PRINTED FOR STOCKDALE, JUNIOR,
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1809.

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PREFACE.

When His Majesty was graciously pleased to issue his Royal warrant for assembling a Board of General Officers to enquire into the Armistice and Convention of Cintra, the Editor considered it expedient to make arrangements for insuring, to himself, such an account of the Proceedings, as could not fail to take precedency of all competition.

The extraordinary interest which the Public has expressed in the subject of enquiry, the violent popular clamour promoted, if not excited, by a political faction and its partizans, and lastly, though perhaps chiefly, a desire to give full information to both Houses of Parliament, wherein it will probably be discussed at great length, have, it is understood, determined His Majesty to lay the papers, containing every circumstance relative to the Enquiry, before the Legislature of his kingdoms.—This official Report was in fact the very Report to which the Editor referred, when he first announced his publication.

In the less voluminous account which he has, now, however, deemed it advisable to submit to his readers, he has principally directed his at-

tention to the most interesting part of the Proceedings. He has in fact aimed, in this edition, to furnish such a view of the whole, as might neither be tedious, in perusal, nor diffuse, in regard to the letters and various papers produced for the inspection of the Court. This he the rather did too, as THE PROCEEDINGS AT LARGE in the PARLIAMENTARY COPY are so nearly completed. Those, therefore, who are desirous of every detail on an event of the first political importance to this country and to Europe, need not remain long unsatisfied.

London, 41, *Pall Mall*,
Jan. 2, 1809.

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3. Sketch of the Attack on Zambuiera.
4. Plan of the Battle of Vimiera.
5. Ditto, taken on the Field of Battle.

Reference to the Plan of the Attack on Zambuiera.

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C. Route of Generals Ferguson's and Bowes's Brigades.
D. Route of the Portuguese Troops.
E. Route of General Hill's Brigade, and Cavalry.
F. Route of General Nightingale's Brigade.
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V. Water Course.

Quarter-Master-General's Office.

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No. of Regiments.		Generals Commanding.
36th, 40th, 71st, ...	1.	General Ferguson's Position.
6th, 32d, ...	2.	——— Bowes.
29th, 82d, ...	3.	——— Nightingale.
2d, 20th, 95th, ...	4.	——— Acland.
45th, 91st, ...	5.	——— Craufurd.
9th, 38th, 5th, ...	6.	——— Hill.
20th Dragoons, and Portuguese,	7.	Cavalry.
43d, 52d, 9th, 97th, ...	8.	General Anstruther.
50th, 60th, 95th, ...	9.	——— Fane.
1200 Infantry, ...	10.	Portuguese.

A.B.C. Position of the Troops at the time of the Attack on the Centre and Left.

A. General Craufurd and Portuguese, 45th, 91st.

B. General Ferguson, 36th, 40th, 71st.

C. General Nightingale, 82d.

D. General Acland, 2d, 20th, 95th, having moved on his march towards the flank of the Attack on the Centre.

E. General Bowes, 6th, 32d, 29th.

F. General Fane, 60th, 50th, 95th.

G. General Anstruther, (2 battalions) 9th, 43d, 52d, 97th.

H. Cavalry, 20th Dragoons.

I. General Hill, 5th, 9th, 38th.

K. Guns flanking the French Columns.

a.a.a. The farthest advance of General Ferguson.

b.b.b. Ditto of General Craufurd.

Figures 1, 2, 3, 4, Camp previous to the Attack.

Quarter-Master-General's Office, Sept. 5, 1808.

Explanation relating to the Battle of the 21st of August, between the British, under Sir Arthur Wellesley, and the French Forces, under General Junot:

Brigadier-General Anstruther's brigade, and that of Brigadier-General Fane, occupied a detached height in front of the village of Vimiera, in which Sir Arthur Wellesley's head-quarters were. The body of the army was upon a commanding hill, about a cannon shot farther back, towards the sea, having its left at the ravine, in which the rivulet runs, the mouth of which affords a communication with our shipping; the right was thrown back a little, en potence, towards the coast, with which our general line of front was nearly parallel. On the opposite side of the ravine, to our left, the ground rises gradually to the north for about two miles, which look towards Peniche.

The enemy formed two attacks: the one against the left and centre of the height in front of Vimiera, the other conducted from the heights that look towards Peniche, down the long slope, terminating at the ravine on our left, somewhat in the rear of the village of Vimiera. Their attack on our advanced corps took place first, and was repulsed; indeed a considerable time before the action commenced upon the left. As the movements of the enemy in that direction were observed in the morning, Sir Arthur Wellesley had ordered the troops destined to act on that side,

to move out of their original position, to meet the enemy: they were engaged when they had advanced about one-third of the way from the summit of the long sloping heights already described, continued to drive them to the top of it, and down thence into the low grounds beyond; the British line halting upon the summit. The troops engaged in this quarter were the brigades of Generals Ferguson and Nightingale, that of General Acland supporting them. Their movement was perpendicular to the line of the coast, between which and their left, General Craufurd's brigade, and a corps of Portuguese advanced at the same time; but as these troops were somewhat farther back, and the French did not extend their right to the sea, they were not engaged. The advanced corps had orders to maintain its ground, which it did with the greatest bravery, repulsing the attacks made upon it, with a very heavy loss to the enemy of men, and of several guns.

On the left the advance of the troops was firm and regular, driving the enemy from superior ground. The French lost all the artillery they had with the column that attended them on that side. They made some spirited attempts to recover the guns they were driven from, but which failed to make any impression upon our men. No attack was made against the right flank of the position, which was occupied by General Hill's brigade.

Our small body of dragoons pursued the enemy, on their being repulsed from the attack on our advanced posts, but their eagerness carried them a little too far. The superior cavalry of the French made no very decided efforts during the action, but seemed to content themselves with covering the rear of their two columns when driven back. It must be allowed, however, that the ground admitted of cavalry acting only in particular parts. Many of the slopes are extremely abrupt, and several of them covered with vines, and there are also many patches of wood.

Extract of a letter from Lieutenant-General Sir Arthur Wellesley, dated head-quarters at Caldas, Aug. 16, 1808.

I marched from Lyria on the 13th, and arrived at Alhobaca on the 19th, which place the enemy had abandoned in the preceding night; and I arrived here yesterday. The enemy, about 4000 in number, were posted about ten miles from hence, at Borica; and they occupied Brilos, about three miles from hence, with their advanced posts. As the possession of this last village was important to our future operations, I determined to occupy it; and as soon as the British infantry arrived upon

the ground, I directed that it might be occupied by a detachment, consisting of four companies of riflemen of the 60th and 95th regiments.—The enemy, consisting of a small picquet of infantry and a few cavalry, made a trifling resistance and retired; but they were followed by a detachment of our riflemen to the distance of three miles from Brilos. The riflemen were then attacked by a superior body of the enemy, who attempted to cut them off from the main body of the detachment to which they belonged, which had now advanced to their support; larger bodies of the enemy appeared on both the flanks of the detachment, and it was with difficulty that Major-General Spencer, who had gone out to Œbidos when he had heard that the riflemen had advanced in pursuit of the enemy, was enabled to effect their retreat to that village. They have since remained in possession of it, and the enemy have retired entirely from the neighbourhood. In this little affair of the advanced posts, which was occasioned solely by the eagerness of the troops in pursuit of the enemy, I am concerned to add, that Lieutenant Bunbury, of the 2d battalion of the 95th, was killed; and the Hon. Captain Pakenham wounded, but slightly; and we have lost some men, of whose number I have not received the returns.

Return of killed, wounded, and missing, in the action of Lourinha, August 15, 1808.

5th batt. 60th foot—1 rank and file, killed; 5 rank and file, wounded; 17 rank and file, missing. 2d batt. 95th foot—4 rank and file, missing. Officers killed and wounded—95th foot—Lieut. Bunbury, killed; Capt. the Hon. H. K. Pakenham, wounded. G. B. Tucker, D.A.G.

Head-quarters at Villa Verde, Aug. 17, 1808.

My Lord,—The French General Laborde having continued in his position at Roleia since my arrival at Caldas on the 15th instant, I determined to attack him in it this morning. Roleia is situated on an eminence, having a plain in its front, at the end of a valley, which commences at Caldas, and is closed to the southward by mountains, which join the hills forming the valley on the left, looking from Caldas. In the centre of the valley, and about eight miles from Roleia, is the town and old Moorish fort of Œbidos, from whence the enemy's picquets had been driven on the 15th, and from that time he had posts on the hills on both sides of the valley, as well as in the plain in the front of his army, which was posted on the heights in front of Roleia, its right resting upon the hills, its left upon the eminence, on which was a windmill, and the whole covering four or five passes into the mountains in his rear. I have reason to believe that his force consisted of at least six thousand men, of

which about five hundred were cavalry, with five pieces of cannon; and there was some reason to believe that General Loison, who was at Rio Major yesterday, would join General Laborde by his right in the course of the night. The plan of attack was formed accordingly, and the army having broken up at Caldas this morning, was formed into three columns; the right, consisting of twelve hundred Portuguese infantry, and fifty Portuguese cavalry, destined to turn the enemy's left, and penetrate into the mountains in his rear; the left, consisting of Major-General Ferguson's and Brigadier-Gen. Bowes's brigades of infantry, three companies of riflemen, a brigade of light artillery, and twenty British and twenty Portuguese cavalry, was destined, under the command of Maj. Gen. Ferguson, to ascend the hills at Œbidos, to turn all the enemy's posts on the left of the valley, as well as the right of his post at Roleia; this corps was also destined to watch the motions of General Loison, on the enemy's right, who I had heard had moved from Rio Major towards Alceontre last night. The centre column, consisting of Major-General Hill's, Brigadier-General Nightingale's, Brigadier-General Craufurd's, and Brigadier-General Fane's brigades, (with the exception of the riflemen detached with Major-General Ferguson,) and four hundred Portuguese light infantry, the British and Portuguese cavalry, a brigade of nine-pounders, and a brigade of six-pounders, were destined to attack General Laborde's position in front. The columns being formed, the troops moved from Œbidos about seven o'clock in the morning. Brigadier-General Fane's riflemen were immediately detached into the hills on the left of the valley, to keep up the communication between the centre and the left columns, and to protect the march of the former along the valley; and the enemy's posts were successively driven in. Major-General Hill's brigade, formed in three columns of battalions, moved on the right of the valley, supported by the cavalry, in order to attack the enemy's left; and Brigadier-Generals Nightingale and Craufurd moved with the artillery along the high road, until at length the former formed in the plain immediately in the enemy's front, supported by the light infantry companies, and the 45th regiment of Brigadier-General Craufurd's brigade, while the two other regiments of this brigade (the 50th and 91st,) and half of the 9-pounder brigade, were kept as a reserve in the rear. Major-General Hill and Brigadier-General Nightingale advanced upon the enemy's position, and, at the same moment, Brigadier-General Fane's riflemen were in the hills on his right; the Portuguese infantry in a village upon the left; and Major-General Ferguson's column was descending from the heights into the plain. From this situation the enemy retired by the passes into the mountains with the utmost regularity and greatest celerity; and notwithstanding the rapid advance of the British

infantry, the want of a sufficient body of cavalry, was the cause of his suffering but little loss in the plain. It was then necessary to make a disposition to attack the formidable position which he had taken up. Brigadier-General Fane's riflemen were already in the mountains on his right, and no time was lost in attacking the different passes, as well to support the riflemen as to defeat the enemy completely. The Portuguese infantry were ordered to move up a pass on the right of the whole; the light companies of Maj. Gen. Hill's brigade and the 5th regiment moved up a pass next on the right; and the 29th regiment, supported by the 9th, under Brigadier-Gen. Nightingale, a third pass; and the 45th and 82d regiments, passes on the left. These passes were all difficult of access, and some of them were well defended by the enemy, particularly that which was attacked by the 29th and 9th regiments. These regiments attacked with the greatest impetuosity, and reached the enemy before those whose attacks were to be made on their flanks: the defence of the enemy was desperate, and it was in this attack principally that we sustained the loss which we have to lament, particularly of that gallant officer the Honourable Lieutenant-Colonel Lake, who distinguished himself upon this occasion. The enemy was, however, driven from all the positions he had taken in the passes of the mountains, and our troops were advanced in the plains on their tops. For a considerable length of time the 29th and 9th regiments alone were advanced to this point, with Brigadier-General Fane's riflemen at a distance on the left, and they were afterwards supported by the 5th regiment, and by the light companies of Major-General Hill's brigade, which had come up on the right; and by the other troops ordered to ascend the mountains, who came up by degrees. The enemy here made three most gallant attacks upon the 29th and 9th regiments, supported, as I have above stated, with a view to cover the retreat of his defeated army; in all of which he was, however, repulsed; but he succeeded in effecting his retreat in good order, owing, principally, to my want of cavalry, and secondly, to the difficulty of bringing up the passes of the mountains with celerity, a sufficient number of troops, and of cannon, to support those which had first ascended. The loss of the enemy has, however, been very great: and he left three pieces of cannon in our hands. I cannot sufficiently applaud the conduct of the troops throughout this action. The enemy's positions were formidable, and he took them up with his usual ability and celerity, and defended them most gallantly. But I must observe, that although we had such a superiority of numbers employed in the operations of this day, the troops actually engaged in the heat of the action were, from unavoidable circumstances, only the 5th, 9th, 29th, the riflemen of the 95th and 60th, and the flank companies of Major-General Hill's brigade,

being a number by no means equal to that of the enemy;—their conduct, therefore, deserves the highest commendation. I cannot avoid to take this opportunity of expressing my acknowledgments for the aid and support I received from all the general and other officers of this army. I am particularly indebted to Major-General Spencer for the advice and assistance I received from him;—to Major-General Ferguson, for the manner in which he led the light column, and to Major-General Hill and Brigadier Generals Nighingale and Fane, for the manner in which they conducted the different attacks which they led. I derived most material assistance also from Lieutenant-Colonel Tucker and Lieutenant-Colonel Bathurst in the offices of Deputy-Adjutant and Deputy-Quarter-Master-General, and from the officers of the staff employed under them. I must also mention that I had every reason to be satisfied with the artillery under Lieutenant-Colonel Robe. I have the honour to inclose herewith a return of killed, wounded, and missing.

I have the honour to be, &c. ARTHUR WELLESLEY.

Total Return of killed, wounded, and missing, of the army under the command of Lieut. Gen. the Right Hon. Sir Arthur Wellesley, K. B. on the 17th of August, 1808.

1 lieutenant-colonel, 2 captains, 1 ensign, 3 serjeants, 63 rank and file, 1 horse, killed; 1 lieutenant-colonel, 3 majors, 6 captains, 8 lieutenants, 1 ensign, 1 staff, 20 serjeants, 295 rank and file, 2 horses, wounded; 1 captain, 3 lieutenants, 1 serjeant, 1 drummer, 68 rank and file, missing.

Names of officers killed, wounded, and missing, on the 17th Aug. 1808.

General Staff—captain K. J. Bradford, 3d regiment of Foot Guards, deputy assistant adjutant-general, killed. Royal Artillery—capt. H. Geary, killed. Royal Engineers—capt. H. Elphinstone, badly wounded. 5th Foot—major Emes, slightly wounded; lieutenant Doyle, wounded. 9th Foot—lieutenant-colonel Stuart, severely wounded; maj. Molle, capt. Sankey, ensign Nichols, wounded. 29th Foot—lieut. col. the hon. G. A. F. Lake, killed; majors G. Way, and T. Egerson, wounded; captains P. Hodge, and A. Patison, wounded; lieutenants R. Birmingham, St. John W. Lucas, and Robert Stannus, wounded; captain Geo. Todd, missing; lieutenants W. Birmingham, Ambrose Newbold, and Thomas Langton, missing. 6th Foot—captain John Currey, slightly wounded. 45th Foot—ensign Dawson, killed; lieut. Burke, slightly wounded. 82d Foot—lieut. R. Reid, dangerously wounded. 60th Foot—lieut. Kiety, slightly wounded; ensign Fawes, slightly wounded; adjutant De Gilse, slightly wounded. 95th Foot—captain Creagh, slightly wounded; lieutenants Hill and Cortman, slightly wounded.

Total officers, non-commissioned officers, rank and file, horses, killed, wounded, and missing, 482.

G. B. Tucker, Dep. Adj. Gen.

Head Quarters at Lourinha, August 18, 1808.

My Lord,—Since I wrote to you last night, I have heard from Brigadier-General Anstruther, that he is on the coast of Piniche, with the fleet of victuallers and store-ships, in charge of Captain Bligh, of the Alfred, with a part of the force detached from England under Brigadier-General Acland, in consequence of the receipt of orders which I had left at Medego Bay for General Acland, which he had opened. I have ordered Brigadier-General Anstruther to land immediately, and I have moved to this place, in order to protect his landing, and facilitate his junction. General Loison joined General Laborde in the course of last night at Torres Vedras; and I understand that both began their march towards Lisbon this morning: I also hear that General Junot has arrived this day at Torres Vedras, with a small corps from Lisbon; and I conclude that the whole of the French army will be assembled between Torres Vedras and the capital in the course of a few days.

I have the honour to be, &c. Arthur Wellesley.

Vimiera, August 21, 1808.

Sir,—I have the honour to report to you, that the enemy attacked us in our position at Vimiera this morning. The village of Vimiera stands in a valley, through which runs the river Maceira; at the back, and at the westward and northward of this village, is a mountain, the western point of which touches the sea, and the eastern is separated by a deep ravine from the heights, over which passes the road which leads from Lourinha and the northward, to Vimiera. The greater part of the infantry, the 1st, 2d, 3d, 4th, 5th and 8th brigades, were posted on this mountain, with eight pieces of artillery; Major-General Hill's brigade being on the right, Major-General Ferguson's on the left, having one battalion on the heights separated from the mountain. On the eastern and southern side of the town is a hill which is entirely commanded, particularly on its right, by the mountain to the westward of the town, and commanding all the ground in the neighbourhood to the southward and eastward, on which Brigadier-General Fane was posted with his riflemen and the 50th regiment, and Brigadier-General Anstruther, with his brigade, with half a brigade of six-pounders, which had been ordered to the position in the course of the night. The ground over which passes the road from Lourinha commanded the left of this height, and it had not been occupied, excepting by a picquet, as the camp had been

taken up only for one night; and there was no water in the neighbourhood of this height. The cavalry and the reserve of artillery were in the valley, between the hills on which the infantry stood; both flanking and supporting Brigadier-General Fane's advanced guard. The enemy first appeared at eight o'clock in the morning, in large bodies of cavalry on our left, upon the heights on the road to Lourinha; and it was soon obvious that the attack would be made upon our advanced guard, and the left of our position; and Major-General Ferguson's brigade was immediately moved across the ravine to the heights, on the road to Lourinha, with three pieces of cannon; he was followed successively by Brigadier-General Nightingale with his brigade, and three pieces of cannon; Brigadier-General Acland with his brigade; and Brigadier-General Bowes with his brigade. These troops were formed (Major-General Ferguson's brigade in the first line; Brigadier-General Nightingale's in the second; and Brigadier-Generals Bowes's and Acland's, in columns in the rear) on those heights, with their right upon the valley which leads into Vimiera; and their left upon the other ravine, which separates these heights from the range which terminates at the landing-place at Maceira. On these last mentioned heights the Portuguese troops which had been in the bottom near Vimiera, were posted in the first instance, and they were supported by Brigadier-General Craufurd's brigade. The troops of the advanced guard on the height to the southward and eastward of the town, were deemed sufficient for its defence, and Major-General Hill was moved to the centre of the mountain on which the great body of the infantry had been posted, as a support to these troops, and as a reserve to the whole army. In addition to this support these troops had that of the cavalry in the rear of their right. The enemy's attack began in several columns upon the whole of the troops on this height; on the left they advanced, notwithstanding the fire of the riflemen, close to the 50th regiment, and were checked and driven back only by the bayonets of that corps. The second battalion, 43d regiment, was likewise closely engaged with them in the road which leads into Vimiera; a part of that corps having been ordered into the church-yard to prevent them from penetrating into the town.

On the right of the position they were repulsed by the bayonets of the 97th regiment, which corps was successfully supported by the 2d battalion, 52d regiment, which by an advance in column, took the enemy in flank. Besides this opposition given to the attack of the enemy on our advanced guard by their own exertions, they were attacked in flank by Brigadier-General Acland's brigade, in its advance to its position on the heights on the left, and a cannonade was kept up on the flank of the ene-

my's columns by the artillery on those heights. At length, after a most desperate contest, the enemy was driven back in confusion from this attack with the loss of seven pieces of cannon, many prisoners, and a great number of officers and soldiers killed and wounded. He was pursued by the detachment of the 20th light dragoons, but the enemy's cavalry were so much superior in numbers that this detachment has suffered much, and lieutenant-colonel Taylor was unfortunately killed. Nearly at the same time the enemy's attack commenced upon the heights on the road to Lourinha. This attack was supported by a large body of cavalry, and was made with the usual impetuosity of the French troops. It was received with steadiness by Major-General Ferguson's brigade, consisting of the 36th, 40th, and 71st regiments; and these corps charged as soon as the enemy approached them, who gave way, and they continued to advance upon him supported by the 82d, one of the corps of Brigadier-General Nightingale's brigade, which, as the ground extended, afterwards formed a part of the first line; by the 29th regiment, and by Brigadier-General Bowes's and Acland's brigades, while Brigadier-General Craufurd's brigade, and the Portuguese troops, in two lines, advanced along the height on the left. In the advance of Major-General Ferguson's brigade, six pieces of cannon were taken from the enemy, with many prisoners, and vast numbers were killed and wounded. The enemy afterwards made an attempt to recover part of his artillery, by attacking the 71st and 82d regiments, which were halted in a valley, in which it had been taken. These regiments retired from the low ground in the valley, to the heights, where they halted, faced about, fired, and advanced upon the enemy, who had by that time arrived in the low ground, and they thus obliged them again to retire with great loss. In this action, in which the whole of the French force in Portugal was employed, under the command of the Duke D'Abrantes in person, in which the enemy was certainly superior in cavalry and artillery, and in which not more than half of the British army was actually engaged, he has sustained a signal defeat, and has lost thirteen pieces of cannon, twenty-three ammunition waggons, with powder, shells, stores of all descriptions, and twenty thousand rounds of musket ammunition. One general officer (Beniere) has been wounded, and taken prisoner, and a great many officers and soldiers have been killed, wounded, and taken. The valour and discipline of his majesty's troops have been conspicuous upon this occasion, as you, who witnessed the greatest part of the action, must have observed; but it is a justice to the following corps, to draw your notice to them in a particular manner, viz.—the royal artillery, commanded by Lieutenant-Colonel Robe; the 20th dragoons, which had

been commanded by Lieutenant-Colonel Taylor; the 50th regiment, commanded by Colonel Walker; the 2d battalion, 95th foot, commanded by Major Travers; the 5th battalion, 60th regiment, commanded by Major Davy; the 2d battalion, 43d, commanded by Major Hull; the 2d battalion, 52d, commanded by Lieutenant-Colonel Ross; the 97th regiment, commanded by Lieutenant-Colonel Lyon; the 36th regiment, commanded by Colonel Burne; the 40th, commanded by Colonel Kemmis; the 71st, commanded by Lieutenant-Colonel Pack; and the 82d regiment, commanded by Major Eyre. In mentioning Colonel Burne, and the 36th regiment, to you upon this occasion, I cannot avoid to add, that the regular and orderly conduct of this corps throughout this service, and their gallantry and discipline in action, have been conspicuous. I must take this opportunity of acknowledging my obligations to the general and staff officers of the army. I was much indebted to Major-General Spencer's judgment and experience, in the decision which I formed with respect to the number of troops allotted to each point of defence; and for his advice and assistance throughout the action. In the position taken up by Major-General Ferguson's brigade, and in its advance upon the enemy, that officer shewed equal bravery and judgment; and much praise is due to Brigadier-General Fane, and Brigadier-General Anstruther, for their gallant defence of their position in front of Vimiera, and to Brigadier-General Nightingale, for the manner in which he supported the attack upon the enemy, made by Major-General Ferguson. Lieutenant-Colonel G. Tucker, and Lieutenant-Colonel Bathurst, and the officers in the departments of the Adjutant and Quarter-Master-General, and Lieutenant-Colonel Torrens, and the officers of my personal staff, rendered me the greatest assistance throughout the action. I have the honour to inclose herewith a return of the killed, wounded, and missing.

I have the honour to be, &c. &c.

(Signed) ARTHUR WELLESLEY.

N. B. Since writing the above, I have been informed that a French general officer, supposed to be general Thiebault, the chief of the staff, has been found dead upon the field of battle. A. W.

Total Return of killed, wounded, and missing, of the army under the command of Lieut. Gen. the Right Hon. Sir A. Wellesley, K.B. on the 21st of August, 1808.

1 lieutenant-colonel, 1 captain, 2 lieutenants, 3 serjeants, 128 rank and file, 30 horses, killed; 3 majors, 10 captains, 19 lieutenants, 3 ensigns, 2 staff, 27 serjeants, 4 drummers, 466 rank and file, 12 horses, wounded; 1 captain, 1 lieutenant, 1 serjeant, 2 drummers, 46 rank and file, 1 horse, missing.

Names of officers killed, wounded, and missing, on the 21st of August, 1808.

General Staff—captain Hardinge, of the 57th Foot, deputy assistant quarter-master-general, wounded. Royal Engineers—first lieutenant Wells, missing. 20th Light Dragoons—lieutenant-colonel Taylor, killed; captain Eustace, missing. 20th Foot—lieutenant Brooke, killed; lieutenant Hogg, wounded. 29th Foot—brigadier-major A. Creagh, wounded. 36th Foot—captain Herbert, slightly wounded; lieutenants Hart, Lought, and Edwards, slightly wounded; ensign Bosell, slightly wounded; lieutenant and adjutant Poveah, severely wounded. 40th Foot—captain Smith, slightly wounded; lieutenant Frankley, slightly wounded. 43d Foot—major Hearne, wounded; captains Ferguson, Brock, and Haverfield, wounded; lieut. Madden, wounded; ensign Wilson, wounded. 50th Foot—captain A. G. Cooke, killed; major Charles Hill, wounded; lieutenants John Kent, John Wilson, and Robert Way, wounded. 52d Foot—captain Ewart, wounded; lieut. Bell, wounded. 60th Foot—lieutenant Charles Kirk, wounded; Lewis Neith, wounded. 71st—captain A. Jones, slightly wounded; major Mackenzie, slightly wounded; lieut. J. D. Pratt, severely wounded; lieutenants W. Hartley, R. Dudgeon, and A. S. M'Intyre, slightly wounded; ensign W. Campbell, slightly wounded; acting adjutant R. R. M'Alpine, severely wounded. 82d—lieutenant R. Dunkin, killed. 95th—lieut. Pratt, wounded; ensign W. Cox, wounded. 97th—major J. Wilson, wounded; lieut. E. Kettlewell, wounded.

Total officers, non-commissioned officers and drummers, rank and file, and horses, killed, wounded, and missing, 783.

G. B. Tucker, Dep. Adj. Gen.

Return of ordnance and ammunition taken in the action of the 21st inst.

1 six-pounder; 4 four-pounders; 2 three-pounders; 6 five-and-half inch howitzers; 2 ammunition waggons; 21 Portuguese ammunition cars; 40 horses; 4 mules.

The above is only the number already received in the park; but, from several accounts, there are eight more taken from the enemy. The ammunition waggons and cars contain a portion of powder, shells, and stores of all descriptions, and about twenty thousand rounds of musket ammunition.

Wm. Robe, Lt. Col. Commanding R. Artillery.

ENQUIRY

INTO THE

ARMISTICE AND CONVENTION

OF

CINTRA.

Monday, November 14, 1808.

THE Members having aſſembled by virtue of His Majeſty's Warrant to enquire into the cauſes of the late Armiſtice and Convention of Cintra, General Sir David Dundas took the chair appropriated for the Preſident, and requeſted the reſt of the General Officers to take their ſeats, which they did accordingly in the following manner:

PRESIDENT,

General Sir DAVID DUNDAS.

MEMBERS,

General Earl of MOIRA.
——— PETER CRAIG.
——— Lord HEATHFIELD.
Lieut.-Gen. Earl of PEMBROKE.
——— Sir GEORGE NUGENT, Bart.
——— OLIVER NICHOLS.

The Judge Advocate then read the Warrant as follows:

"GEORGE R.—Whereas we were pleaſed in the month of July 1808, to conſtitute and appoint Lieutenant-General Sir Hew Dalrymple, Knt. to the command of a body of our forces, employed to act on the coaſts of Spain and Portugal, or in ſuch other part of the Continent of Europe as he might hereafter be directed

to; and the ſaid Lieutenant-General did, purſuant to our inſtructions tranſmitted to him, proceed to Portugal, and did on the 22d of Auguſt 1808, land in that country and take upon himſelf the command of the ſaid body of our forces accordingly: And whereas it appears that on the ſame 22d Auguſt, and ſubſequently to his having aſſumed the command, an Armiſtice was concluded as follows:

(Tranſlation.)

Suſpenſion of Arms agreed upon between Lieutenant-General Sir Arthur Welleſley, K. B. on the one Part, and the General of Diviſion Kellermann, Grand Officer of the Legion of Honour, Commander of the Order of the Iron Crown, and Grand Croſs of the Order of the Lion of Bavaria, on the other Part; each having Powers from the reſpective Generals of the French and Engliſh Armies.

Head-Quarters of the Engliſh Army, Aug. 22, 1808.

Art. I. There ſhall be, from this date, a Suſpenſion of Arms between the armies of His Britannic Majeſty and His Imperial and Royal Majeſty, Napoleon I. for the purpoſe of negotiating a Convention for the evacuation of Portugal by the French army.

II. The Generals in Chief of the two armies, and the Commander in Chief of the Britiſh fleet at the entrance of the Tagus, will appoint a day to aſſemble on ſuch part of the coaſt as ſhall be judged convenient, to negotiate and conclude the ſaid Convention.

III. The river of Sirandre ſhall form the line of demarkation to be eſtabliſhed between the two armies; Torres Vedras ſhall not be occupied by either.

IV. The General in Chief of the Engliſh army undertakes to include the Portugueſe armies in this ſuſpenſion of arms, and for them the line of demarkation ſhall be eſtabliſhed from Leyria to Thomar.

V. It is agreed proviſionally that the French army ſhall not, in any caſe, be conſidered as priſoners of war; that all the individuals who compoſe it ſhall be tranſported to France with their arms and baggage, and the whole of their private property, from which nothing ſhall be exempted.

VI. No individual, whether Portugueſe, or of a na-

tion allied to France, or French, ſhall be called to account for his political conduct; their reſpective property ſhall be protected, and they ſhall be at liberty to withdraw from Portugal within a limited time, with their property.

VII. The neutrality of the port of Liſbon ſhall be recogniſed for the Ruſſian fleet; that is to ſay, that when the Engliſh army or fleet ſhall be in poſſeſſion of the city and port, the ſaid Ruſſian fleet ſhall not be diſturbed during its ſtay, nor ſtopped when it wiſhes to ſail, nor purſued when it ſhall ſail, until after the time fixed by the maritime law.

VIII. All the artillery of French calibre, and alſo the horſes of the cavalry, ſhall be tranſported to France.

IX. This ſuſpenſion of arms ſhall not be broken without forty-eight hours previous notice.

Done and agreed upon between the above-named Generals, the day and year above mentioned.

(Signed) ARTHUR WELLESLEY.
KELLERMANN, General of Diviſion.

Additional Article.

The garriſons of the places occupied by the French army ſhall be included in the preſent Convention, if they have not capitulated before the 25th inſtant.

(Signed) ARTHUR WELLESLEY.
KELLERMANN, General of Diviſion.

(A true Copy.)
A. J. DALRYMPLE, Captain, Military Secretary.

"And whereas it appears, that on the 30th day of Auguſt 1808, a Convention was concluded as follows:

Definitive Convention for the Evacuation of Portugal by the French Army.

The Generals commanding in chief the Britiſh and French armies in Portugal, having determined to negotiate and conclude a treaty for the evacuation of Portugal by the French troops, on the baſis of the agreement entered into on the 22d inſtant for a ſuſpenſion of hoſtilities, have appointed the under-mentioned officers to negotiate the ſame in their names, viz.—on the part of the General in Chief of the Britiſh army, Lieutenant-Colonel

Murray, Quarter-Maſter-General, and on the part of the General in Chief of the French army, Monſieur Kellermann, General of Diviſion, to whom they have given authority to negotiate and conclude a Convention to that effect, ſubject to their ratification reſpectively, and to that of the Admiral commanding the Britiſh fleet at the entrance of the Tagus.

Thoſe two officers, after exchanging their full powers, have agreed upon the articles which follow:

Art. I. All the places and forts in the kingdom of Portugal, occupied by the French troops, ſhall be delivered up to the Britiſh army in the ſtate in which they are at the period of the ſignature of the preſent Convention.

II. The French troops ſhall evacuate Portugal with their arms and baggage; they ſhall not be conſidered as priſoners of war, and, on their arrival in France, they ſhall be at liberty to ſerve.

III. The Engliſh Government ſhall furniſh the means of conveyance for the French army, which ſhall be diſembarked in any of the ports of France between Rochefort and L'Orient, incluſively.

IV. The French army ſhall carry with it all its artillery of French calibre, with the horſes belonging to it, and the tumbrils ſupplied with ſixty rounds per gun. All other artillery, arms, and ammunition, as alſo the military and naval arſenals, ſhall be given up to the Britiſh army and navy, in the ſtate in which they may be at the period of the ratification of the Convention.

V. The French army ſhall carry with it all its equipments, and all that is comprehended under the name of property of the army; that is to ſay, its military cheſt, and carriages attached to the Field Commiſſariat and Field Hoſpitals, or ſhall be allowed to diſpoſe of ſuch part of the ſame on its account as the Commander in Chief may judge it unneceſſary to embark. In like manner all individuals of the army ſhall be at liberty to diſpoſe of their private property of every deſcription, with full ſecurity hereafter for the purchaſers.

VI. The cavalry are to embark their horſes, as alſo the Generals and other officers of all ranks. It is, however, fully underſtood, that the means of conveyance for horſes at the diſpoſal of the Britiſh Commanders are very

limited; ſome additional conveyance may be procured in the port of Liſbon; the number of horſes to be embarked by the troops, ſhall not exceed ſix hundred, and the number embarked by the Staff ſhall not exceed two hundred. At all events, every facility will be given to the French army to diſpoſe of the horſes, belonging to it, which cannot be embarked.

VII. In order to facilitate the embarkation, it ſhall take place in three diviſions, the laſt of which will be principally compoſed of the garriſons of the places, of the cavalry, the artillery, the ſick, and the equipment of the army. The firſt diviſion ſhall embark within ſeven days of the date of the ratification, or ſooner, if poſſible.

VIII. The garriſon of Elvas and its forts, and of Peniche and Palmela, will be embarked at Liſbon; that of Almaida at Oporto, or the neareſt harbour. They will be accompanied on their march by Britiſh Commiſſaries, charged with providing for their ſubſiſtence and accommodation.

IX. All the ſick and wounded who cannot be embarked with the troops are entruſted to the Britiſh army. They are to be taken care of whilſt they remain in this country, at the expenſe of the Britiſh Government, under the condition of the ſame being reimburſed by France when the final evacuation is effected. The Engliſh Government will provide for their return to France, which ſhall take place by detachments of about one hundred and fifty or two hundred men at a time. A ſufficient number of French medical officers ſhall be left behind to attend them.

X. As ſoon as the veſſels employed to carry the army to France ſhall have diſembarked it in the harbours ſpecified, or in any other of the ports of France to which ſtreſs of weather may force them, every facility ſhall be given them to return to England without delay, and ſecurity againſt capture until their arrival in a friendly port.

XI. The French army ſhall be concentrated in Liſbon, and within a diſtance of about two leagues from it. The Engliſh army will approach within three leagues of the capital, and will be ſo placed as to leave about one league between the two armies.

XII. The forts of St. Julien, the Bugio, and Caſcais, ſhall be occupied by the Britiſh troops on the ratification of the Convention. Liſbon and its citadel, together with the forts and batteries, as far as the Lazaretto or Tarfuria on one ſide, and fort St. Joſeph on the other, incluſively, ſhall be given up on the embarkation of the ſecond diviſion, as ſhall alſo the harbour and all armed veſſels in it of every deſcription, with their rigging, ſails, ſtores, and ammunition. The fortreſſes of Elvas, Almaida, Peniche, and Palmela, ſhall be given up as ſoon as the Britiſh troops can arrive to occupy them. In the mean time the General in Chief of the Britiſh army will give notice of the preſent Convention to the garriſons of thoſe places, as alſo to the troops before them, in order to put a ſtop to all further hoſtilities.

XIII. Commiſſioners ſhall be named on both ſides, to regulate and accelerate the execution of the arrangements agreed upon.

XIV. Should there ariſe doubts as to the meaning of any article, it will be explained favourably to the French army.

XV. From the date of the ratification of the preſent Convention, all arrears of contributions, requiſitions, or claims whatever, of the French Government, againſt the ſubjects of Portugal, or any other individuals reſiding in this country, founded on the occupation of Portugal by the French troops in the month of December 1807, which may not have been paid up, are cancelled, and all ſequeſtrations laid upon their property, moveable or immoveable, are removed, and the free diſpoſal of the ſame is reſtored to the proper owners.

XVI. All ſubjects of France, or of powers in friendſhip or alliance with France, domiciliated in Portugal, or accidentally in this country, ſhall be protected. Their property of every kind, moveable and immoveable, ſhall be reſpected, and they ſhall be at liberty either to accompany the French army, or to remain in Portugal. In either caſe their property is guaranteed to them, with the liberty of retaining or of diſpoſing of it, and paſſing the produce of the ſale thereof into France, or any other country where they may fix their reſidence, the ſpace of one year being allowed them for that purpoſe.

It is fully underſtood, that the ſhipping is excepted

from this arrangement, only, however, in so far as regards leaving the port; and that none of the stipulations above-mentioned can be made the pretext of any commercial speculation.

XVII. No native of Portugal shall be rendered accountable for his political conduct during the period of the occupation of this country by the French army; and all those who have continued in the exercise of their employments, or who have accepted situations under the French Government, are placed under the protection of the British Commanders; they shall sustain no injury in their persons or property, it not having been at their option to be obedient, or not, to the French Government; they are also at liberty to avail themselves of the stipulations of the 16th Article.

XVIII. The Spanish troops detained on board ship in the port of Lisbon shall be given up to the Commander in Chief of the British army, who engages to obtain of the Spaniards to restore such French subjects, either military or civil, as may have been detained in Spain, without being taken in battle, or in consequence of military operations, but on occasion of the occurrences of the 29th of last May, and the days immediately following.

XIX. There shall be an immediate exchange established for all ranks of prisoners made in Portugal since the commencement of the present hostilities.

XX. Hostages of the rank of field officers shall be mutually furnished on the part of the British army and navy and on that of the French army, for the reciprocal guarantee of the present Convention. The officer of the British army shall be restored on the completion of the articles which concern the army; and the officer of the navy on the disembarkation of the French troops in their own country. The like is to take place on the part of the French army.

XXI. It shall be allowed to the General in Chief of the French army to send an officer to France with intelligence of the present Convention. A vessel will be furnished by the British Admiral to convey him to Bourdeaux or Rochefort.

XXII. The British Admiral will be invited to accommodate His Excellency the Commander in Chief,

and the other principal officers of the French army, on board of ſhips of war.

Done and concluded at Liſbon this 30th day of Auguſt 1808.

(Signed) GEORGE MURRAY,
Quarter-Maſter-General.
KELLERMANN,
Le Général de Diviſion.

(Tranſlation.)

We, the Duke of Abrantes, General in Chief of the French army, have ratified, and do ratify, the preſent Definitive Convention in all its articles, to be executed according to its form and tenor.

(Signed) The Duke of ABRANTES.

Head Quarters, Liſbon, 30th Auguſt 1808.

Additional Articles to the Convention of the 30th of Auguſt 1808.

Art. I. The individuals in the civil employment of the army made priſoners, either by the Britiſh troops, or by the Portugueſe, in any part of Portugal, will be reſtored, as is cuſtomary, without exchange.

II. The French army ſhall be ſubſiſted from its own magazines up to the day of embarkation; the garriſons up to the day of the evacuation of the fortreſſes.

The remainder of the magazines ſhall be delivered over, in the uſual form, to the Britiſh Government, which charges itſelf with the ſubſiſtence of the men and horſes of the army, from the above-mentioned periods till their arrival in France, under the condition of their being reimburſed by the French Government for the exceſs of the expenſe beyond the eſtimates, to be made by both parties, of the value of the magazines delivered up to the Britiſh army.

The proviſions on board the ſhips of war, in poſſeſſion of the French army, will be taken in account by the Britiſh Government in like manner with the magazines in the fortreſſes.

III. The General commanding the Britiſh troops will take the neceſſary meaſures for re-eſtabliſhing the

free circulation of the means of ſubſiſtence between the country and the capital.

Done and concluded at Liſbon this 30th day of Auguſt 1808.

(Signed) GEORGE MURRAY,
Quarter-Maſter-General.
KELLERMANN,
Le Général de Diviſion.

(Tranſlation.)

We, Duke of Abrantes, General in Chief of the French army, have ratified, and do ratify, the additional articles of the Convention, to be executed according to their form and tenour.

The Duke of ABRANTES.

(A true Copy.)

A. J. DALRYMPLE, Captain, Military Secretary.

Articles of a Convention entered into between Vice-Admiral Seniavin, Knight of the Order of St. Alexander, and other Ruſſian Orders, and Admiral Sir Charles Cotton, Bart. for the Surrender of the Ruſſian Fleet, now anchored in the River Tagus.

Art. I. The ſhips of war of the Emperor of Ruſſia, now in the Tagus, as ſpecified in the annexed liſt, ſhall be delivered up to Admiral Sir Charles Cotton, immediately, with all their ſtores as they now are; to be ſent to England, and there held as a depoſit by His Britannic Majeſty, to be reſtored to His Imperial Majeſty, within ſix months after the concluſion of a peace between His Britannic Majeſty and His Imperial Majeſty the Emperor of all the Ruſſias.

II. Vice-Admiral Seniavin, with the officers, ſailors, and marines, under his command, to return to Ruſſia, without any condition or ſtipulation reſpecting their future ſervices; to be conveyed thither in men of war, or proper veſſels, at the expenſe of His Britannic Majeſty.

Done and concluded on board the ſhip Twerday, in the Tagus, and on board His Britannic Majeſty's ſhip

Hibernia, off the mouth of that river, the 3d day of September 1808.

(Signed) DE SENIAVIN.
(Signed) CHARLES COTTON.
(Counter-ſigned) by command of the Admiral,
L. SASS, Aſſeſſeur de College.
(Counter-ſigned) by command of the Admiral,
JAMES KENNEDY, Secretary.

Liſt of the Ships referred to in the foregoing Convention.

Twerday, Vice-Admiral Seniavin, Captain du 1ee rang Malayoff, of 74 guns, and 736 men.

Skoroy, Captain du 1er rang Schelling, of 60 guns, and 524 men.

Ste Helene, Captain du 2nd rang Bitchenſkoy, of 64 guns, and 598 men.

S. Caſael, Captain du 2nd rang Roſhnoff, of 74 guns, and 610 men.

Ratvizan, Captain du 2nd rang Rtiſchchoff, of 66 guns, and 549 men.

Silnoy, Capt.-Lieut. Malygruin, of 74 guns, and 604 men.

Motchnoy, Capt.-Lieut. Raſvoſoff, of 74 guns, and 629 men.

Rafael, Capt.-Lieut. Bytchenſkoy, of 80 guns, and 640 men.

Fregatte Kilduyn, Capt.-Lieut. Dournoff, of 26 guns, and 222 men.

Yarowſlavl, Captain du 2nd rang Milkoff, of 74 guns, and 567 men.

Total, 5685 men.

(Signed)
MALIVJEFF, le Capitaine de Pavillon.

"We think it neceſſary that an enquiry ſhould be made by the General Officers herein-after named, into the conditions of the ſaid Armiſtice and Convention, and into all the cauſes and circumſtances (whether ariſing from the previous operation of the Britiſh army or otherwiſe), which led to them, and into the conduct, behaviour, and proceedings of the ſaid Lieutenant-General Sir Hew Dalrymple, and of any other officer or officers, who may have held the command of our troops in Por-

tugal ; and of any other perſon or perſons, as far as the ſame were connected with the ſaid Armiſtice and Convention, in order that the ſaid General Officers may report to us, touching the matters aforeſaid for our better information. Our will and pleaſure therefore is, and we do hereby nominate and appoint the General Officers of our army, whoſe names are reſpectively mentioned in the liſt annexed, to be a Board, of which we do hereby appoint General Sir David Dundas, K. B. to be Preſident, who are to meet accordingly for the purpoſe above mentioned. And you are hereby required to give notice to the ſaid General Officers when and where they are to meet for the ſaid examination and enquiry, and you are hereby directed to ſummon ſuch perſons as may be judged neceſſary by the ſaid General Officers (whether the General Officers employed in the expedition, or others), to give information touching the ſaid matters, or whoſe examination ſhall be deſired by thoſe employed in the ſaid expedition: and the ſaid General Officers are hereby directed to hear ſuch perſons as ſhall offer to give information touching the ſame, and they are hereby authorized, empowered, and required ſtrictly to examine into the matters before mentioned, and to report a ſtate thereof, as it ſhall appear to them, together with their opinion thereupon, and alſo with their opinion, whether any, or what further proceedings ſhould be had thereupon ; all which you are to tranſmit to our Commander in Chief, to be by him laid before us for our conſideration ; and for ſo doing, this ſhall, as well to you, as to our ſaid General Officers, and all others concerned, be a ſufficient warrant.

" Given at our Court at St. James's this firſt day of November 1808, in the forty-ninth year of our reign.

" By His Majeſty's command.

(Signed) " JAMES PULTENEY.

" *To our right truſty and well-beloved Counſellor, the Honourable* RICHARD RYDER, *Judge-Advocate-General, or his Deputy.*"

The JUDGE ADVOCATE next read an official copy of the Armiſtice agreed upon between Sir Arthur Welleſley and General Kellermann, the definitive Convention for the evacuation of Portugal by the French army, and of the other documents, as already ſtated, which appeared in the London Gazette of Friday, the 16th of September laſt.

Sir DAVID DUNDAS obſerved to the members of the Court, that nothing more of a public nature would probably be done on that day; that there would be an adjournment of the Court to ſome other day, probably till Thurſday; but that it might be neceſſary to conſider, in private, of the arrangements which were to be adopted in the examination of witneſſes. He therefore thought it proper that the Court ſhould be then cleared, which was done accordingly, and the Court remained in private conference for about two hours. It adjourne at about half paſt one, to the following

Thurſday, November 17.

The JUDGE ADVOCATE began by reading letters from Sir Hew Dalrymple to him, explanatory of his conduct in Portugal.

The JUDGE ADVOCATE addreſſed the Board, and ſaid, that, purſuant to his directions, he had written to Lord Caſtlereagh for copies of the diſpatches and correſpondence of Sir Hew Dalrymple, Sir Arthur Welleſley, and the other officers connected with the expedition, and had received an anſwer from his Lordſhip, accompanied by the neceſſary documents. He alſo read two letters from Sir Hew Dalrymple, ſtating, that he ſhould be happy to lay before the Court a narrative of all the tranſactions which took place in the army from the day of his taking the command of it to the day of his return; and he hoped that at the time they ſhould be ready to conſider the circumſtances of the Convention of Cintra, naval officers might be ready to inform the Board, of the ſtate of the weather and of the tranſports, at the time that the Convention was concluded. In the ſecond letter, Sir Hew requeſted the Court to apply to Lord Caſtlereagh to lay before them copies of the correſpondence which took

place with the Commanders of the French army, with the Junta of Gallicia, and with the Biſhop of Oporto.

The anſwer of Lord Caſtlereagh ſtated that theſe papers ſhould be laid before the Court, as they had been called for, and that it had been his intention to lay them all before the Court, except what related to the correſpondence with the Biſhop of Oporto, which did not appear to him to have been neceſſary to the enquiry.

The JUDGE ADVOCATE alſo ſtated Sir Arthur Welleſley's wiſh to lay a narrative of his proceedings likewiſe before the Court.

He then proceeded to read a vaſt variety of official documents.

The firſt was a letter from Lord Caſtlereagh to the Admiralty, directing them to appoint a proper convoy for the expedition to the Tagus.

Then a copy of a letter from Lord Caſtlereagh to Sir Arthur Welleſley, dated the 25th of June, containing ſome directions previous to his ſailing, and ſome obſervations in reſpect to victualling the tranſports.

Next a letter dated the 21ſt of June, directing Lieutenant-Colonel Browne to take various meaſures to obtain information of the enemy's ſituation and ſtrength in Portugal, and to report the reſult, without delay, to Sir Arthur Welleſley.

Another letter from Lord Caſtlereagh to Rear-Admiral Purvis, directed certain naval preparations neceſſary after the arrival of the troops in the Tagus, and requeſted his opinion whether the corps of Sir Arthur Welleſley, conſiſting of 9000 men, might be uſefully employed in that quarter.

A letter from Lord Caſtlereagh to Major-General Spencer, informing him that Sir Arthur Welleſley, with his corps, was on his way from Cork to the Tagus, and directing him to proceed thither with his corps from off Cadiz. It likewiſe requeſted General Spencer's opinion as to the benefit to be expected from the employment of Sir Arthur Welleſley's force in the Tagus.

An addreſs from the Principality of Aſturias to His Majeſty, and the King's anſwer, dated the 12th of June, aſſuring them of His Majeſty's willingneſs to extend

his ſupport to all parts of the Spaniſh monarchy, ſhould they ſhew the ſame ſpirit which had animated the province of Aſturias.

A letter, dated the 13th of June, from Lord Caſtlereagh to Major-General Spencer, ordering him to proceed from Cadiz to join the corps of Sir Arthur Welleſley.

A letter of the ſame date, from Lord Caſtlereagh to Sir Arthur Welleſley, containing orders to proceed to the Tagus, and enumerating the different regiments that were to compoſe his army. It incloſed alſo the addreſs from the province of Aſturias, and His Majeſty's anſwer. It ſtated that he ſhould firſt proceed with his army off Cape Finiſterre; but that if he ſhould find his force not ſufficient, he was to communicate that fact to the Portugueſe government, and at the ſame time to write home for freſh ſupplies. It left much on this point to the diſcretion and judgment of Sir Arthur Welleſley, who was to reconcile, as much as poſſible, any differences which might ariſe between the provinces. It ſtrictly enjoined him not to take any part in the diſcuſſions among the provinces of Spain, without particular orders. It alſo ſtated, that this government could not at preſent recogniſe the Prince of Aſturias as poſſeſſing any royal authority, he being actually a priſoner in France.

A letter of the ſame date from Lord Caſtlereagh to Sir Arthur Welleſley, contained copies of diſpatches from Sir Charles Cotton, but did not vary the inſtructions before received. It alſo contained advice that 200,000*l.* had been ſent to facilitate the proceedings of the Spaniards.

A diſpatch from Sir Charles Cotton, dated 12th of June, ſtated, that, according to the beſt information he could obtain, the French had not more than 4000 troops at Liſbon, that about 5000 Britiſh troops might venture a landing, and effect the neceſſary. It alſo remarked on the critical ſtate of the French force in Portugal.

A letter, dated 15th of July, from Lord Caſtlereagh to Sir Arthur Welleſley, incloſed communications from General Spencer as to the ſtate of the enemy, and intimated that the troops under Lieutenant-General Sir

John Moore, then in the Baltic, after due refreſhment, ſhould proceed without delay to join Sir Arthur Wellefley in the Tagus. The attack upon the Tagus was to be the firſt object of the expedition. From the intelligence which His Majeſty had received he was induced to truſt, in a great degree, to the reſources of the country, for the ſupply of proviſions for the troops.

A diſpatch from General Spencer, from on board the Hibernia, off Liſbon, gave a ſtatement of the French force in that neighbourhood.

A letter, of the 6th of July, from Lord Caſtlereagh to Sir Hew Dalrymple, recommended to him to encourage the ſpirit, and to aſſiſt the patriotic efforts of the Spaniſh nation by every means in his power.

Another letter from the ſame to the ſame, dated the 15th July, ſtated, that His Majeſty, highly approving of Sir Hew Dalrymple's conduct, had been graciouſly pleaſed to entruſt to him the chief command of the forces in Portugal, and that Sir Harry Burrard was to be the ſecond in command; and another letter, of the 21ſt July, formally appointed him to that command.

A letter of the ſame date to Sir John Moore, directed him to proceed without delay to join Sirs Hew Dalrymple and Harry Burrard.

A letter from Colonel Paget to Major-General Stuart, dated 30th of July, conveyed ſome neceſſary intelligence reſpecting the movements of the Britiſh forces, and likewiſe a ſtatement of the troops then aſſembled at Coimbra.

A letter from Colonel Browne, of the 2d of July, incloſed a diſpatch reſpecting various movements of the French army in the neighbourhood of Liſbon, and ſtated that the Portugueſe force at Coimbra did not exceed 5000 men, only half of whom were armed, and the reſt chiefly peaſantry.

A letter, of the 5th of July, from Colonel Browne to Sir Arthur Wellefley, contained a report of an interview with the Biſhop of Oporto, a ſtatement of the Portugueſe force, and the diſpoſition of the country towards the Engliſh.

An intercepted letter from General Junot was alſo read, and likewiſe another from the ſame perſon to

General La Borde, expreſſing his confidence in that officer.

A letter from Lord Caſtlereagh to Sir Harry Burrard, of the 4th of September, acknowledged the receipt of the diſpatches reſpecting the victory of Vimiera, and ſtated, that the ſkill and valour of Sir Arthur Welleſley had afforded His Majeſty the higheſt ſatisfaction, and that ſuch conduct was highly creditable to himſelf, and honourable to the Crown: that the ſteady bravery of the Britiſh troops proved them to poſſeſs thoſe qualifications, diſcipline, and perſeverance, without which ſucceſs could never be obtained.

A letter from Sir Arthur Welleſley, dated the 24th of July, on board the Crocodile, off Corunna, contained an account of ſome communications which that General had with the Junta of Gallicia. Alſo an account of the action between the French and Spaniards at Rio Seco. The whole of the French troops in Portugal, according to the information he had received, amounted to 15,000 men, 12,000 of whom were ſtationed at Liſbon. Sir Arthur Welleſley propoſed ſailing for Corunna the ſame night the letter was written.

A letter from the ſame to Lord Caſtlereagh, dated July 26th, contained an eſtimate of the Portugueſe troops ſtationed at Coimbra and elſewhere, and that the whole were badly armed, and principally peaſants. It mentioned an application which Sir Arthur had made to the Biſhop of Oporto for the ſupply of 150 horſes and 500 mules, there being none attached to the army for the tranſport of the ammunition and entrenching tools, which the Biſhop promiſed to provide as ſoon as the troops ſhould have diſembarked.

A letter from Sir Charles Cotton to Sir Arthur Welleſley, dated on board the Hibernia, off the Tagus, gave ſome information reſpecting the facilities of diſembarking the troops, and the diſpoſition of the Portugueſe towards the Engliſh.

A letter from Sir Arthur Welleſley to Lord Caſtlereagh, dated Auguſt 1, on board the Donegal, off the Mondego river, ſtated the poſition of the enemy in the neighbourhood of Liſbon; and that it appeared to Sir Arthur to be too ſtrong for them to attack at preſent.

The vicinity of the enemy, and the want of the neceſſary aſſiſtance, would increaſe the difficulty of diſembarkation near Liſbon, and that therefore he had been induced to decide upon landing to the northward, at Mondego Bay ; that he had commenced his diſembarkation in that river on the day of writing this letter, but that the landing was attended with ſome difficulty, and would have been quite impoſſible, had it not been for the zeal of the country people, and the activity of the officers of the navy and army. He had iſſued 5000 ſtand of arms, to equip the people of the country, to co-operate with the Britiſh forces.

A letter from General Spencer to Sir Arthur Welleſley, dated the 15th of July, gave ſome information reſpecting the poſition of the French army, and the moſt advantageous points of attack for the Britiſh forces. It referred to an abſolute want of money in Portugal, and the neceſſity of ſupplying them in this reſpect, and alſo mentioned the difficulty of obtaining mules to draw the ammunition-waggons, &c.

A letter from Sir Arthur Welleſley, of the 24th of July, adverted to the reduced ſtate of the pecuniary concerns of Portugal, and the neceſſity of making an advance in ſpecie to that government.

A diſpatch from Sir Arthur Welleſley to Lord Caſtlereagh, dated Auguſt the 16th, related the particulars of his march, and the junction of the Portugueſe troops. It had been the wiſh of that government that the Britiſh ſtores ſhould be employed in the maintenance of the Portugueſe troops, and the diſpatch ſtated a refuſal on the part of Sir Arthur Welleſley, who intimated that the Britiſh forces would not be under the neceſſity of obtaining bread from them, but would require a ſupply of beef, wine, and forage. It alſo contained an account of the Britiſh army having ſaved from the French a magazine of proviſions, and of ſome extraordinary meſſages reſpecting the ſupplies, in which General Friere expreſſed his anxiety on that ſubject. Sir Arthur Welleſley received a propoſition from General Friere, reſpecting a new plan of operations, which went to ſeparate the Portugueſe from the Britiſh troops, on the pretext of the probable want of ſupplies, notwithſtanding Sir Arthur Welleſley had expreſſly ſtated the contrary.

Sir Arthur Wellesley attributed this wish of General Friere to his apprehension that the British were not sufficiently strong for the enemy. He could not account for this proceeding, because the two Generals had always been on good terms, and General Friere had voluntarily, at a former period, placed himself and his troops under the command of the English. If Sir Arthur had been furnished with supplies, he would have acceded to the request, but he found that the British Commissariat had not sufficient stores to enable him to do so. Besides, he did not believe that the motives stated by General Friere were such as led to his determination.

A letter from Sir Arthur Wellesley, to Sir Harry Burrard, of the 11th of August, stated, that Portugal, in time of peace, never supported itself more than seven months out of the twelve, and therefore that the British must depend upon the transports for bread and other provisions. It advised General Burrard also to take with him five days provision in advance, and to keep up that stock in case of any interruption.

Other letters of little importance were also read.

When a letter was about to be read, from Sir Arthur Wellesley to Sir Harry Burrard, Sir Arthur addressed the Court: whereupon Lord MOIRA observed, that it was evident that the communication contained in it had been made confidentially, and it did not appear to his Lordship that any thing contained in it bore materially upon the question, especially when the letter contained only private observations upon individuals. In case these letters should be printed with the Report of the Board, this letter must also be made public, and he left it to the Court, therefore, to judge, what must be the consequence: it could have no other effect than that of giving an offence, which might prove exceedingly injurious to the public cause, and could not possibly forward any one point under discussion. He therefore moved that it should be withdrawn: and it was withdrawn accordingly.

The JUDGE ADVOCATE then read a letter from Sir Arthur Wellesley, containing the official dispatch respecting the battle of Vimiera; a letter from Sir Harry Burrard to Lord Castlereagh; and from Sir Arthur Wellesley to Sir Harry Burrard. Also a statement by

Captain Bowen, of the beſt means of diſembarking the troops at Liſbon, communicated to the Secretary of State.

Sir HEW DALRYMPLE then read to the Court:—Before I proceed to put the Court in poſſeſſion of a detail of proceedings which will place my conduct in that point of view in which alone it ought to be conſidered, I have to claim their indulgence in the ſtatement of ſome circumſtances by which my feelings and reputation have been moſt deeply wounded. I have always looked forward with joy to this moment, when I ſhould have an opportunity to repel a calumny which I have every reaſon to know has had the moſt injurious effect upon my character. I allude to a paragraph in one of the public newſpapers, which has been tranſmitted to the army in Portugal, and which was calculated not only to deſtroy the reſpect of the ſoldiers placed under my command, but to rob me of that confidence which His Majeſty had been pleaſed to repoſe in me. The object of this paragraph was to defame my character, and to reſcue that of a more favoured officer; but, in what I am about to ſay on the ſubject, I am far from wiſhing to ſhrink from the reſponſibility, and ſtill leſs to diſclaim the ſhare I had in making an Armiſtice, which, in the event, the more it is conſidered, the more it muſt be approved.

The paragraph to which I allude, inſinuates that I had torn the laurels from the brows of an officer (Sir Arthur Welleſley) who had deſerved the admiration of his country for a ſplendid victory; and that I had compelled that fame officer to ſign an armiſtice which would for ever remain on record as a diſgrace to His Majeſty's arms.

I beg leave moſt ſolemnly to affirm on the word and honour of an officer, that the preliminary treaty, or armiſtice, was diſcuſſed, with General Kellermann, by Sir Harry Burrard, Sir Arthur Welleſley, and by myſelf. We, I think, were engaged in that diſcuſſion from half paſt two in the afternoon, until nine at night, with the exception of the time we were at dinner. I muſt ſay, that during the whole of that diſcuſſion, Sir Arthur Welleſley took the moſt prominent part in the arrangement of that treaty, a part which he was moſt certainly entitled to take, from his previous command of

the British army, from the recent victory he had obtained, and from the incidental and local knowledge, which, from such circumstances, he must possess. It is certainly true, that the discussion with General Kellermann took place in the French language. It is also true, as well as I can now recollect, that General Kellermann minuted down the details of that arrangement; but I positively assert, that General Sir Arthur Wellesley did not oppose either the treaty itself, or any of its stipulations. It is also true that I did get up to propose my signature to that armistice, when it was suggested by General Kellermann, that as he was only a General of Division, it was the custom, that an officer, subordinate to the Commander in Chief, on the part of the British army, should sign that instrument. And here, as a man of honour and a soldier, I do most positively declare, that, on my part, neither compulsion nor order was employed, in order to induce the signature of Sir Arthur Wellesley, to the preliminary treaty. Calumniated as I have been, the duty I owe to myself and to the cause of truth, which I feel in this case cannot be separated, have rendered it imperative on me to make these observations previous to my delivery of the Narrative which I now hand to you.

I am extremely happy to be placed in the situation in which I now stand; but had any individual chosen to prefer specific charges against me, I doubt not I could have justified my conduct with regard to the transactions in Portugal; and there is not a single officer of whose services His Majesty has been deprived by me with a view to the present investigation.

Sir Arthur Wellesley hoped, that in delivering in his Narrative to the Board, he should be justified in making a few observations upon what had just fallen from Sir Hew Dalrymple. Certain paragraphs had appeared in the newspapers, which had ventured to speak upon his conduct in the late transactions in Portugal, as if the writers of them had received authority or information from him or from his friends, as to the truth of the facts there stated. He had never authorized any person connected with him in the service, or any of his friends, to give authority to the publishers of newspapers to state that he was compelled, or even ordered, to sign the Ar-

miſtice in queſtion. It was true, that he was preſent when the treaty was in agitation by the Commander in Chief, and he aſſiſted in drawing it up, and ſubſcribed it by the deſire of his ſuperior officer; but he never had ſaid, and never would ſay, that that deſire was in the ſhape of an order, much leſs in the ſhape of compulſion. It was a deſire with which he had complied, from the wiſh of ſupporting the meaſures of thoſe under whoſe command he was placed. However he might differ upon particular points, *he had moſt cordially concurred in the opinion that the French ſhould be permitted to evacuate Portugal*; and when the Armiſtice was ſigned, he did not think it proper to refuſe his concurrence. He thought it neceſſary to ſay thus much, and begged leave to deliver a Narrative from the time of his taking the command of the army, to the period when he reſigned it, on the evening of the 21ſt. Sir Arthur Wellesley delivered his ſtatement accordingly, and the Court adjourned, at a quarter before four o'clock, till

Saturday, November 19.

The Court met at ten o'clock, and at about eleven o'clock, the guard being withdrawn, ſtrangers were allowed to enter.

Sir ARTHUR WELLESLEY ſoon afterwards delivered in a paper, explanatory of what had fallen from Sir Hew Dalrymple, on a preceding day, with ſome additional obſervations. He accompanied this document with ſaying, that to no perſon connected with him had he ever given authority to aſſert, that the late Armiſtice in Portugal, to which his name appeared, had been ſigned by compulſion. He had never intimated to any one, that to affix his name to that inſtrument was required by the Commander in Chief, or any other perſon, in the ſhape of an order, which he had it not in his power to diſobey. It was certainly true, that he did differ in opinion from Sir Hew Dalrymple, in more than one point, but that incongruity of ſentiment had no application to the matter to which he had juſt adverted. He thought it neceſſary to ſtate thus much, that miſtakes

might not go abroad on a point of no inconſiderable importance to the ſubject of the preſent enquiry.

He alſo wiſhed to ſay a few words, with reſpect to a reflection, ſuppoſed to be conveyed in a diſpatch of his to Lord Caſtlereagh, upon the Commiſſariat employed with the army in Portugal. He certainly never intended that the communication ſhould be made public; but as the matter was diſcloſed at a previous ſitting, candour and juſtice required, that it ſhould not paſs without ſome comment. The ſuppoſed complaint was made on the 16th of Auguſt, and the miſconſtruction was this: that what he deſigned as a general obſervation for the benefit of the ſervice, was aſſumed to be a particular remark, applied excluſively to the diſcharge of that ſervice in Portugal. The truth was, that he did not intend to complain of any deficiency, on that occaſion, ariſing from neglect of duty in the Commiſſariat; his deſign was, to draw the attention of Government to this important branch of the military ſervice, as it concerned the procuring, tranſmitting, and diſtributing the ſupplies for the army, in all ſituations, and under all circumſtances. He concluded with repeating, that he did not, in the leaſt, mean to blame thoſe individuals who had been concerned in this duty, on the occaſion to which he had adverted.

He then reſumed his ſeat behind the table, at which the members of the Court were occupied.

The JUDGE ADVOCATE read a letter to Lord Caſtlereagh, of the 13th of September, then the public diſpatches, and the correſpondence between the commanding officers and General Friere, of the Portugueſe army.

It appeared by the latter, that, prior to the proteſt of the Portugueſe General, complaints had been made by him and the Proviſional Government, of the arrangements under the Armiſtice and Convention; from which the Britiſh officers excuſed themſelves, by ſtating, that it was a mere military meaſure between two contending armies, unconnected with matters of civil regulation, and at the ſame time apologizing for having deferred to tranſmit copies of the Armiſtice and Convention, from their ignorance of the proper authorities with which they ſhould communicate.

It alſo appeared by theſe letters, that there was a great deficiency of information at the Britiſh head-quarters, on the operations in Spain, and that a ſingle letter from General Caſtanos was the only intelligence they had poſſeſſed on the ſtate of affairs in that country, at this critical period.

A letter from Sir Arthur Wellesley, to Sir Hew Dalrymple, complains of the inactivity of a diviſion of the army, at a time when their ſervices might be inſtantly required, on account of the deficiency of horſes for the artillery, baggage, ammunition, and other purpoſes. It mentions, that out of 200 horſes, ſeventy-ſix were ſo much debilitated, as to be incurable; that mules could not perform the ſervice required, and that 300 additional artillery horſes would ſcarcely be competent to the duty. The horſes the diviſion before had, the letter repreſents as feeble and inefficient, they having been purchaſed in Ireland, at the cheap price of 12*l.* or 13*l.* He concludes with adverting to the inconvenience and loſs which had been already ſuſtained in conſequence of this deficiency.

A letter dated from head-quarters, 30th of September, from Sir Hew Dalrymple to Lord Caſtlereagh, ſays, that, after communicating with Sir Harry Burrard, he had taken no ſteps with the Regency, as to detaching the Portugueſe troops on actual ſervice, as in their preſent ſtate no effectual aſſiſtance could be derived from them.

A letter of the 26th of Auguſt, from Sir Hew Dalrymple to Lieutenant-Colonel Murray, gave the latter authority to negotiate with General Kellermann.

A letter from the ſame, and of the ſame date, to Admiral Siniavin, ſtated Admiral Cotton's objection to a particular condition of the propoſed treaty.

A letter from General Murray to the Commander in Chief, informed him, that the Portugueſe troops had begun to march. This letter, dated the 27th of Auguſt, was ſucceeded by another of the following day, from the latter to the former.

A letter from Lieutenant-Colonel Murray to Sir Hew Dalrymple, of the preceding date, contained a propoſition that the writer ſhould go in perſon to the Britiſh Admiral, to confer with him on the ſubject of the treaty; and ſuggeſted, that Captain Dalrymple

ſhould be the bearer of the copy of the treaty to this country.

Other parts of the public diſpatches were then read, which were followed by a letter from the Commander in Chief to Lieutenant-Colonel Murray, of the day following, explanatory of the means of executing certain articles of the Convention, adverting to the omiſſion of a word in the third article, as to the embarkation, and ſtating the impoſſibility of complying ſtrictly with the article for the removal of the French, from the deficiency of horſes. The letter then ſtated ſome propoſed amendments of the articles, and ſome further arrangements as to the embarkation of the enemy's troops, to be adjuſted by the commiſſioners appointed to negotiate the buſineſs. That Article 13 is inadmiſſible; and comments on Article 17, referring to the protection of ſtrangers in Portugal, in their perſons and property, and as to the time to be allowed them to diſpoſe of the latter, and withdraw from the kingdom.

A letter to Lord Proby, one of the commiſſioners in the naval department, complained of the embarkation of property by the French, on board the Ruſſian ſhips.

Another, from Major-General Stewart to Sir Hew Dalrymple, ſpoke of a particular claſs of property, to the amount of 22,000*l.* which was carrying off, contrary to the rules of war. This property conſiſted of the Public Muſeum, the Royal Library, and ſome other articles of the like deſcription.

A letter from General Beresford to Sir Hew Dalrymple, of the 5th of September 1808, reſpected the ſituation of the Spaniſh priſoners in the harbour, and other particulars of the negotiation with General Kellermann.

A letter from the ſame to the ſame, and of the ſame date, recommended, that the French troops ſhould proceed to the ſouth ſide of the Tagus.

A letter from the ſame to the ſame, of the 7th of that month, obſerves, that all the civil revenue appropriated by the French to their own purpoſes, ſhould be immediately replaced.

Some other letters were read, both in French and Engliſh, adverting to topics of minor importance.

A variety of letters were then read from General

Kellermann to General Beresford, and other Britiſh officers, with the anſwers. General Kellermann at firſt contended that every thing actually in the poſſeſſion of the French, at the time of the Convention, ought to be conſidered as their private property. The Britiſh Commander, however, conſtantly refuſed to admit ſuch a conſtruction of the articles of the Convention, and inſiſted that whatever had been obtained by plunder and confiſcation ſhould be reſtored. On this conſtruction of the articles, they would not allow the horſes taken from the royal ſtables at Liſbon, to be conſidered French property, nor any thing taken from the churches, or from individuals, which could be identified, to be conſidered as private property of the French, under the terms of the Convention.

The next document was the Proclamation by the Britiſh and French Commiſſioners, who were appointed for the expreſs purpoſe of ſeeing this article of the Convention executed according to the conſtruction put upon it by the Britiſh Commanders.

Letters from General Beresford to Sir Hew Dalrymple, informed him of evaſions of the article by the French, of their placing ſome of their plunder in what they called their military cheſt, and carrying off money concealed in their regimental dreſſes.

Sir Hew Dalrymple, in his anſwer to General Beresford, expreſſed his determination that no article of the Convention ſhould be violated by the French; that their conduct on this occaſion had been moſt ſhameful, and had evinced a want of probity and honour, which was moſt diſgraceful to them. It ſeemed to be their intention to go away, leaving all their debts unpaid; and carrying off a conſiderable part of their plunder, by calling it public money, and ſaying it belonged to their military cheſt. As to any plunder that could be identified, it muſt be reſtored. He greatly regretted, however, that part of their plunder, which was in money, it would be difficult, if not impoſſible, to identify.

A letter from Sir Hew Dalrymple to Lord Caſtlereagh, contained a copy of the Armiſtice.

A number of letters which paſſed between the Portugueſe General (Friere) and Sir Hew Dalrymple, relative to the terms of the Armiſtice and Convention.

Immediately after the Armiſtice, the Portugueſe General wrote to Sir Hew Dalrymple, acquainting him, that, conformably to the terms of this Armiſtice, he had given orders that the troops, advancing from Betra, ſhould keep their poſitions. He could not however avoid ſtating, that there were ſome articles in the Armiſtice which involved conſiderations of the utmoſt importance with reſpect to the honour and intereſts of the Britiſh and Portugueſe nations. He therefore ſent an officer, who was entirely in his confidence, to confer with Sir Hew Dalrymple upon thoſe points.

Sir Hew Dalrymple ſhortly after wrote to General Friere, to inform him that the French General had complained ſeverely of the Portugueſe troops, which, to the number of 2000, had advanced beyond the line of demarkation ſpecified in the Armiſtice, and requeſted him to perſuade the Portugueſe to fall back. The French General was even making preparations to attack them, if they continued, in defiance of the terms of the Armiſtice, to occupy that poſition.

A letter from Sir Hew Dalrymple to Lieut.-Colonel Murray, expreſſed great ſurpriſe that the French had carried off ſome of the ſtores, and declared it ſhould have been prevented if he had been informed of it in time.

Letters between Sir Hew Dalrymple and General Friere, in conſequence of the final Convention, the terms of which were communicated to him on the 2d of September.

General Friere, after ſome expreſſions of diſſatisfaction at the terms of the Convention, ſtated to Sir Hew Dalrymple, that he was informed that the French were purſuing at Liſbon the moſt barefaced ſyſtem of plunder, and were robbing the churches as well as private individuals, and that they conſidered this plunder as coming under the term of "their private property," which was ſecured to them by the Convention.

Sir Hew Dalrymple anſwered the letter the ſame day, and informed the Portugueſe General, that as to the latter objects of his letter, he certainly ſhould not fail to pay due attention to ſuch a ſerious infringement of the treaty, if it were attempted by the French; it being

his firm intention to exact a strict fulfilment of it in all its articles.

A memorial sent by General Friere to General Dalrymple complained of the inconveniences arising from the terms of the Convention of Cintra. This memorial was presented a few days after the Convention, and was in substance as follows:—That General Friere found himself under the necessity of stating to the British General his objections to the Convention. That nothing could be more favourable to the French, or more prejudicial to the general cause of Portugal, of Spain, and of Europe, to which the British Government professed so strong an attachment, than such a Convention; that the partisans of France would be thereby enabled to spread alarm, suspicion, and distrust of the views and objects of the British Government or people. They would now spread their calumnies with greater boldness, and say that the British came as auxiliaries, but remained as oppressors. Although there was no doubt that the British Government had really no other object in coming to Portugal than to give assistance to that nation and to its Prince Regent, yet, in order to silence the evil-disposed, it became necessary that the British General should now publish a specific declaration of the objects of his Government with respect to Portugal. The British army could not, and should not be considered in any other light than as an auxiliary army, in that country. It was in that light only that they were applied for by the people of Portugal. The Convention then ought to have been made in conjunction and co-operation with those who exercised the functions of government in Portugal. Nothing of that sort, however, had been done; neither had the opinions of the Portuguese been consulted on a matter wherein the honour and interests of their country and of their Prince Regent were so materially interested. There were articles in the Convention which he could not conceive suitable to their honour or their interests. He should particularly point out the 16th and the 17th Articles of the Convention, by which the Portuguese forts and arsenals then in the occupation of the enemy were to be surrendered to the British troops, and in those articles no mention was made of Portugal, or of the Prince Regent. It there-

fore appeared abſolutely neceſſary that the Britiſh General ſhould, by an explicit declaration, remove all doubts of the motives of the Britiſh Government; that he ſhould declare that the occupation of thoſe forts and arſenals by the Britiſh troops was only a temporary and proviſional meaſure, that it was merely in conſequence of an exiſting danger, and that when that danger was removed, they ſhould be reſtored. As to the firſt additional article, the Portugueſe General objected to it, from the impoſſibility of carrying it into execution. It was neceſſary to inquire into the conduct of the French, and make them reſponſible for it. There was an equal objection to allowing the French to carry off their baggage and private property, as the French would think themſelves entitled to include under thoſe terms whatever they might think proper to carry off; and a conſiderable embarraſſment muſt ariſe in determining what ſhould really be conſidered as their baggage and private property. As this might probably occaſion the moſt ſerious tumults, and the loſs of many lives in Liſbon, it appeared to him that it would be right, in order to prevent thoſe evils, that when the firſt diviſion of the French were embarked, the remainder ſhould be ſent out of Liſbon to Caſcaes, and other places in the neighbourhood. By this means Liſbon would be ſooner freed from the preſence of the French troops; thoſe evils would be avoided which might take place in conſequence of the irritation of the populace, and the other French diviſions might be embarked in ſafety, under the protection of the Britiſh troops.

The next paper was a formal proteſt of General Friere againſt the Convention.

Sir Hew Dalrymple anſwered the diſpatch of General Friere, by a letter dated the 6th of September. He acknowledged the honour of having received His Excellency's diſpatch, and hoped that His Excellency would not attribute it to any direſpect, if he declined to enter into a diſcuſſion of thoſe parts which appeared to him to be queſtions belonging more particularly to the governments of the two countries. He could hardly think that the partiſans of France, or the enemies of both countries, could be able to impreſs the Portugueſe nation with ſo unfavourable an idea of the Britiſh Govern-

ment or army, as he did not think that ſuch French partiſans would venture to ſtay in the country long after the French had left it. He could however have no objection to ſtate, in the moſt expreſs terms, that the Britiſh Government was in ſtrict and ſincere alliance with the Sovereign of Portugal, and that the Britiſh army was bound by duty and honour to pay the utmoſt attention to the dignity of the Prince Regent, and to the independence and proſperity of the country. The forts that were to be occupied by the Britiſh troops were only to be occupied for the Prince Regent and for Portugal.

General Friere, in his anſwer, expreſſed conſiderable ſatisfaction at the contents of this letter.

A letter from Sir Hew Dalrymple to the Portugueſe Miniſter, Don Pinta de Souza, dated the 5th of September, informed him, that, at the concluſion of the Convention, the French General gave his honour that there ſhould be no further plunder, and it was agreed that whatever could be identified, ſhould be reſtored. There was evidently great difficulty in identifying money.

Some correſpondence was then read between Sir Hew Dalrymple and the Biſhop of Oporto. The principal feature was an agreement between them, that a body of 4000 Portugueſe troops ſhould be ready to enter Liſbon as ſoon as it had been evacuated by the French; but that, to prevent the danger of tumults, they were not to enter it before.

A letter from a Portugueſe General, who was alſo a member of the regency appointed by the Prince Regent, proteſted againſt the Armiſtice, and ſaid, that from the 19th of June, when he had taken the command in the Algarves, he had been able to drive the French completely out of that province, to free the province of Alentejo, and to eſtabliſh his head-quarters on the ſouth of the Tagus. He therefore could not be convinced that ſuch an armiſtice was abſolutely neceſſary; and pointed out to the Britiſh General the danger of the French carrying off their plunder under the deſignation of private property.

Sir Hew Dalrymple, in his anſwer, aſſured him that it was his intention to keep the French ſtrictly to the articles of the treaty.

A letter from Sir Hew Dalrymple to the Preſident of the Supreme Junta of Government at Oporto, informed them that the French were about to leave the country, and that it became neceſſary that a government ſhould be eſtabliſhed in the name of the Prince Regent. A queſtion of conſiderable difficulty and delicacy appeared to have ariſen in conſequence of ſome of the Regency appointed by the Prince Regent having purſued a hoſtile line of conduct.

Reſolutions of the Junta at Oporto firſt declared the neceſſity of reſtoring a regency, and afterwards ſeemed to incline to take the reins of government into their own hands, as the Supreme Body of Government repreſenting their Lord and Sovereign Don John.

A letter from Admiral Sir Charles Cotton to the Supreme Junta, pointed out the probability that Liſbon, which had ſo long been conſidered the capital of the country, would not be content to appear ſubordinate to the Junta at Oporto, and therefore recommended the eſtabliſhment of the Regency appointed by the Prince Regent.

The Supreme Junta in anſwer expreſſed an admiration of the Britiſh nation, and hoped the opportunity might arrive when their troops might be able to ſhew ſuch an emulation as would be worthy of Portugal.

A letter, being a ſort of proteſt againſt the Convention, was addreſſed by a Judge of a diſtrict in Portugal to Sir Hew Dalrymple. Although coming from an individual, it was allowed to be his act as a magiſtrate ſpeaking the ſentiments of the people of his diſtrict. It inveighed againſt the Convention, as leaving the crimes of the French in Portugal unpuniſhed; and as giving no indemnification for all the murders, robberies, and atrocities which had been committed by them. They had plundered the churches and palaces, as well as the habitations of private individuals. The Convention appeared to him prejudicial to the intereſts of the crown of Portugal.

A letter from the ſame Judge to Sir Hew Dalrymple, dated only ten days after, expreſſed his ſatisfaction and unqualified admiration of the Britiſh, and made an invocation to the genius of Pope and Milton.

Letters from a Spaniſh General to Sir Hew Dal-

rymple, with their anſwers. The object of this correſpondence was a demand on the part of the Spaniſh General, that as the Spaniſh troops, which had been diſarmed by the French at Liſbon, could in no reſpect be conſidered as priſoners of war, their horſes, as well as their arms, ſhould be reſtored to them. The manner in which this buſineſs was finally arranged, was, that the Britiſh General engaged to obtain the reſtitution of the horſes as far as was poſſible; and for every thing that was deficient, he engaged to give a compenſation in money to the Government of Catalonia, where they were going, to enable them to buy horſes.

A letter from Sir Arthur Wellefley to Lord Caſtlereagh, dated on the day of Sir Arthur's arrival in London, ſtated, that Sir Arthur had ſigned the Armiſtice at the deſire of his ſuperior officer, but that he did not conceive himſelf at all reſponſible for the conditions of it; that there were many detailed points in which he differed from the Commander in Chief, but he agreed with him in the propriety of ſigning a Convention for the evacuation of Portugal, becauſe otherwiſe the Britiſh army would be obliged to wait a long time for reinforcements and ſupplies of artillery and other neceſſaries; and alſo becauſe, by the cuſtoms of war, the French army, being then unbroken, had a fair claim to treat for the evacuation of Portugal.

The following letter from Sir Hew Dalrymple to Lord Caſtlereagh, incloſing the Convention, was then read:

"*Head Quarters, Cintra, Sept.* 3, 1808.

"My Lord,

"I have the honour to inform your Lordſhip, that I landed in Portugal, and took the command of the army on Monday the 22d of Auguſt, the next day after the battle of Vimiera, and where the enemy ſuſtained a ſignal defeat; where the valour and diſcipline of Britiſh troops, and the talents of Britiſh officers, were eminently diſplayed.

"A few hours after my arrival, General Kellermann came in with a flag of truce from the French General in Chief, in order to propoſe an agreement for a ceſſation of hoſtilities, for the purpoſe of concluding a Conven-

tion for the evacuation of Portugal by the French troops. The incloſed contains the ſeveral articles at firſt agreed upon, and ſigned by Sir Arthur Welleſley and General Kellermann; but as this was done with a reference to the Britiſh Admiral, who, when the agreement was communicated to him, objected to the ſeventh article, which had for its object the diſpoſal of the Ruſſian fleet in the Tagus, it was finally concluded, that Lieutenant-Colonel Murray, Quarter-Maſter-General to the Britiſh army, and General Kellermann, ſhould proceed to the diſcuſſion of the remaining articles, and finally to conclude a Convention for the evacuation of Portugal, ſubject to the ratification of the French General in Chief, and the Britiſh Commanders by ſea and land.

" After conſiderable diſcuſſion and repeated reference to me, which rendered it neceſſary for me to avail myſelf of the limited period latterly preſcribed for the ſuſpenſion of hoſtilities, in order to move the army forwards, and to place the ſeveral columns upon the routes by which they were to advance, the Convention was ſigned, and the ratification exchanged the 30th of laſt month.

" That no time might be loſt in obtaining anchorage for the tranſports and other ſhipping, which had for ſome days been expoſed to great peril on this dangerous coaſt, and to inſure the communication between the army and the victuallers, which was cut off by the badneſs of the weather and the ſurf upon the ſhore, I ſent orders to the Buffs and 42d regiments, which were on board of tranſports with Sir Charles Cotton's fleet, to land and take poſſeſſion of the forts on the Tagus whenever the Admiral thought it proper to do ſo. This was accordingly carried into execution yeſterday morning, when the forts of Caſcaes, St. Julien's, and Bugio, were evacuated by the French troops, and taken poſſeſſion of by ours.

" As I landed in Portugal entirely unacquainted with the actual ſtate of the French army, and many circumſtances of a local and incidental nature, which doubtleſs had great weight in deciding the queſtion; my own opinion in favour of the expediency of expelling the French army from Portugal, by means of the Convention the late defeat had induced the French General in Chief to ſolicit, inſtead of doing ſo by a continuation of

hoſtilities, was principally founded on the great importance of time, which the ſeaſon of the year rendered peculiarly valuable, and which the enemy could eaſily have conſumed in the protracted defence of the ſtrong places they occupied, had terms of Convention been refuſed them.

" When the ſuſpenſion of arms was agreed upon, the army under the command of Sir John Moore had not arrived, and doubts were even entertained whether ſo large a body of men could be landed on an open and a dangerous beach; and that being effected, whether the ſupply of ſo large an army with proviſions from the ſhips could be provided for, under all the diſadvantages to which the ſhipping were expoſed. During the negotiation, the former difficulty was overcome by the activity, zeal, and intelligence of Captain Malcolm, of the Donegal, and the officers and men under his orders; but the poſſibility of the latter ſeems to have been at an end, nearly at the moment when it was no longer neceſſary.

" Captain Dalrymple, of the 18th Dragoons, my Military Secretary, will have the honour of delivering to your Lordſhip this diſpatch. He is fully informed of whatever has been done under my orders relative to the ſervice on which I have been employed, and can give any explanation thereupon that may be required.

" I have the honour to be, &c.

(Signed) " HEW DALRYMPLE, Lieutenant-General.

" The Right Hon. Lord Viſcount
Caſtlereagh, &c. &c. &c."

Sir HEW DALRYMPLE then ſaid, that he never did intend to ſtate that the Armiſtice was negotiated altogether by Sir Arthur Welleſley, nor did he think the expreſſions in his letter conveyed any ſuch meaning; all he intended to ſay was, that two hours after his arrival at head-quarters, a French General arrived to ſolicit and negotiate an armiſtice; that ſuch armiſtice was conſequently negotiated according to the terms in the diſpatch, and that it was ſigned by Sir Arthur Welleſley. He never meant to expreſs that it was negotiated ſolely by Sir Arthur Welleſley.

Sir ARTHUR WELLESLEY declared, that in his letter to Lord Caſtlereagh, he had no idea of throwing the

ſlighteſt reflection on the conduct of Sir Hew Dalrymple. It appeared to him that there had been an ambiguity in the phraſe uſed by Sir Hew, which might make it ſuppoſed that the treaty was negotiated as well as ſigned by him (Sir Arthur Wellesley). To defend himſelf from the effect of ſuch ambiguity of expreſſion, he thought it neceſſary to write that letter to Lord Caſtlereagh, but did not by any means intend to deny the ſhare he had in the negotiation.

The letters of appointment of Sir Hew Dalrymple, Sir Harry Burrard, and Sir Arthur Wellesley, to their reſpective commands, were then read.

The documentary evidence appearing now to be cloſed, the Court looked to Sir Arthur Wellesley for the Narrative which he had promiſed to lay before them; he accordingly roſe and addreſſed the Court from a written paper nearly in the following words:

General Sir David Dundas,

My Lords and Gentlemen,

HAVING received the directions of the Judge Advocate General to attend you here this day, with as much detailed information, in writing, as I may think proper to offer, of my proceedings, from the time I ſailed with the troops from Ireland, to the time I gave up the command to Lieutenant General Sir Harry Burrard, I have now the honour to ſubmit to the Court of Enquiry copies of my diſpatches to the Secretary of State, detailing my proceedings.

As theſe proceedings are fully detailed in the diſpatches, which likewiſe contain an account of my motives for my actions at the moment I carried them into execution, I ſhould be ſatisfied if the Court were to form an opinion upon a conſideration of their contents; but as the Court have expreſſed a deſire, at the ſame time, to have a narrative of my proceedings, I have drawn one out principally from the diſpatches.

I ſailed from Cork in the Donegal on the 12th of July; I went on board the Crocodile on the 13th, and ſailed to Corunna, where I arrived on the 20th of July. I there found that the French had, on the 14th, defeated the army of Caſtile and Gallicia under Generals Cueſta and Blake; but having founded the Junta of

Gallicia reſpecting their wiſh to have the aſſiſtance of the army under my command, in the exiſting criſis of their affairs, they declared explicitly that they did not want the aſſiſtance of troops, but eventually arms and ammunition, and money immediately.

A ſum of 200,000*l.* for their uſe had arrived on the 20th, and their requiſition for arms and ammunition was ſent home immediately. The Junta of Gallicia, at the ſame time, expreſſed the greateſt anxiety that the troops under my command ſhould be employed in driving the French out of Portugal, as they were perſuaded that the Spaniards of the north and the ſouth of the peninſula would never have any decided ſucceſs independently of each other; and could never make any great ſimultaneous effort to remove the French from Spain, till they ſhould be driven from Portugal, and the Britiſh troops in that kingdom ſhould connect the operations of the northern and the ſouthern Spaniſh armies. The Junta of Gallicia at the ſame time ſtrongly recommended to me to land in the north of Portugal, in order that I might bring forward, and avail myſelf of, the Portugueſe troops which the Government of Oporto were collecting in the neighbourhood of that city.

I have to obſerve to the Court, that they will not ſee, in my diſpatches to the Secretary of State from Corunna, the detail of the wiſhes and ſentiments of the Junta on my plán of operations, becauſe they did not come regularly within the ſcope of a military diſpatch; but the ſubject is mentioned in my diſpatch to General Spencer of the 26th of July.

I ſailed from Corunna on the 22d, and joined the fleet off Cape Finiſterre next day, and quitted it again at night; and went to Oporto, in order to hold a conference with the Biſhop and the General Officers in the command of the Portugueſe troops. On my arrival at Oporto on the 24th, I received a letter from the Admiral Sir Charles Cotton, in which he recommended to me to leave the troops either at Oporto, or at the mouth of the Mondego river, and to proceed to Liſbon in a frigate, to communicate with him before I ſhould determine upon the plan of operations and the landing-place.

The result of the conference which I had on the night of the 24th with the Bishop and the General Officers of the Portuguese army, was an agreement, that about 5000 Portuguese troops should be sent forward to co-operate with me against the enemy; that the remainder of the Portuguese troops, amounting to about 1500, and a Spanish corps of about 1500 men, then on its march from Gallicia, and another small Spanish corps of about 300 men, and all the Portuguese armed peasantry, should remain in the neighbourhood of Oporto, and in the province of Tralos Montes; a part to be employed in the blockade of Almeida, and a part in the defence of the province of Tralos Montes, which province was supposed to be threatened by an attack from the French corps under Marshal Bessieres, since the defeat of the Spanish armies under Blake and Cuesta at Rio Seco, on the 14th of July.

The Bishop of Oporto likewise promised to supply the army under my command with mules and other means of carriage, and with slaughter cattle.

I sailed from Oporto on the morning of the 25th, and joined the fleet, and settled with Captain Malcolm that it should go to Mondego Bay; and I left it again that night, and went to the mouth of the Tagus to confer with the Admiral. I joined him on the evening of the 26th, and I there received letters from General Spencer, at Port St. Mary's, in which he informed me, that he had landed his corps in Andalusia, at the request of the Junta of Seville, and he did not think it proper to embark it again till he should receive further orders from me; and he appeared to think that my presence in Andalusia, and the assistance of the troops under my command, were necessary to enable General Castanos to defeat General Du Pont.

As I was of opinion that the most essential object, for the Spaniards, as well as for us, was to drive the French out of Portugal, and that neither his corps nor mine were sufficiently strong when separate to be of much service any where, and that when joined they might effect the object which had been deemed of most importance in England and in Gallicia, I immediately dispatched orders to General Spencer to embark his troops, unless he should be actually engaged in an operation which he

could not relinquiſh without loſs to the Spaniards, and to join me off the coaſt of Portugal.

The reſult of the information which I received from General Spencer, of the ſtrength of the French army in Portugal, was, that they conſiſted of more than 20,000 men The accounts of their numbers which I had received from the Admiral, and had received from the Portugueſe, did not make their force ſo large; but upon the whole I was induced to believe that they had not leſs than from 16 to 18,000 men. Of this number they had from 600 to 800 in the fort of Almeida, 600 or 800 in Elvas, 800 in Peniche, 16 or 1800 in Setuval, and the remainder were conſidered about 14,000 men, diſpoſable for the defence of Liſbon and the forts on the Tagus. The whole of this diſpoſable force was at this time in the neighbourhood of Liſbon, excepting about 2400 men at Alcobaça, under General Thomiere.

I conſidered, with the Admiral, the propriety of carrying into execution any of the propoſed plans of attack upon the Tagus, or upon the coaſt in the neighbourhood of the Rock of Liſbon; and it appeared to us both, that all the attacks upon the river which had been propoſed to Government, were impracticable; that the attack upon Caſcaes Bay was likewiſe ſo; that a landing in any of the ſmall bays in the neighbourhood of the Rock was a matter of conſiderable difficulty at any time; and that there was a riſk, that if a part of the army, or even the whole army, were landed, the ſtate of the ſurf which prevails upon the whole coaſt of Portugal, might prevent the diſembarkation of the rear in the one caſe, and of the ſtores and proviſions, which were neceſſary, in the other. At all events, the diſembarkation would be made in the neighbourhood of the whole diſpoſable force of the French army, and the Britiſh troops would be expoſed to their attack on their landing, probably in a crippled, and certainly not in a very efficient ſtate.

By making our diſembarkation in one of the bays near the Rock of Liſbon, it was certain that we ſhould not have the advantage which, at that time, we expected to derive from the co-operation of the Portugueſe troops.

It appeared to us that the fort of Peniche, which was garriſoned by the enemy, would prevent the diſembarkation under the ſhelter of that peninſula; and therefore

it appeared to the Admiral and to me, that it would be moſt adviſable to diſembark the troops in the Mondego river.

I quitted the Admiral off the Tagus on the 27th, and joined the fleet of tranſports off the Mondego, on the 30th.

I there received information from Government, dated the 15th July, that they intended to reinforce the army under my command with 5000 men under the command of Brigadier General Acland, in the firſt inſtance, and eventually, with the corps conſiſting of 10,000 men, which had been under the command of Sir John Moore in Sweden; and that Sir Hew Dalrymple was appointed to command the army. I was likewiſe directed to carry into execution the inſtructions which I had received, if I conceived that my force was ſufficiently ſtrong.

Beſides theſe diſpatches from Government, I received information, on my arrival at the Mondego, of the defeat of the French corps under Du Pont by the Spaniſh General Caſtanos on the 30th July, and I was convinced that General Spencer, if he did not embark immediately upon receiving intelligence of that event, would do ſo as ſoon as he ſhould receive my orders of the 26th July. I therefore conſidered his arrival as certain; and I had reaſon to expect the arrival of General Acland's corps every moment, as I had been informed that it was to ſail from Harwich and the Downs on the 19th July.

I alſo received accounts, at the ſame time, that General Loiſon had been detached from Liſbon acroſs the Tagus into Alentejo on the 27th July, in order to ſubdue the inſurrection in that province, and open the communication with Elvas. The inſurgents had lately been joined by about 1000 men from the Spaniſh army of Eſtremadura, and the inſurrection had made conſiderable progreſs, and was become formidable in Alentejo.

I therefore conſidered that I might commence the diſembarkation of the troops, without riſk of their being attacked by ſuperior numbers, before one or both the reinforcements ſhould arrive; and I was induced to diſembark immediately, not only becauſe the troops were likely to be better equipped, and more able to

march in proportion as they ſhould have been longer on ſhore; but becauſe I had reaſon to believe that the Portugueſe had been much diſcouraged by ſeeing the troops ſo long in the ſhips after the fleet had arrived in Mondego Bay; and I was certain they would ſuſpect our inclination, or our ability to contend with the French, if they had not been diſembarked as ſoon as I returned from the Tagus; I therefore determined to diſembark as ſoon as the weather, and the ſtate of the ſurf, would permit us, and we commenced the diſembarkation on the 1ſt of Auguſt.

The difficulties of landing, occaſioned by the ſurf, were ſo great, that the whole of the corps were not diſembarked till the 5th, on which day General Spencer arrived, and his corps on the 6th; he had embarked at Port St. Mary's on the 21ſt July, when he had heard of the defeat of Du Pont by Caſtanos, and had not received the diſpatches addreſſed to him by me on the 26th July. General Spencer diſembarked on the 7th and 8th, on which night the whole army was in readineſs to march forward.

From the 1ſt of Auguſt to that day, the time had been uſefully ſpent in procuring the means for moving with the army, the neceſſary ſtores, proviſions, and baggage, and in arranging thoſe means in the moſt advantageous manner to the different departments. The cavalry and artillery received a large remount of horſes; means were procured for moving, with the army, a ſufficient ſupply of ammunition and military ſtores, and a reaſonable ſupply of hoſpital ſtores. But I determined to march towards Liſbon by that road which paſſes neareſt to the ſea-coaſt, in order that I might communicate with Captain Bligh of the Alfred, who attended the movements of the army with a fleet of victuallers and ſtore-ſhips. The communication with this fleet, however, it was obvious would be very precarious, as well on account of the ſtate of the ſurf on the coaſt, in the different points of rendezvous which had been ſettled, as becauſe it might happen that it would be more advantageous to the army to take another line of march paſſing further inland.

I therefore made arrangements for carrying with the army ſuch a ſupply of the articles of firſt neceſſity, as

ſhould render it independent of the fleet, till it ſhould reach the Tagus, if circumſtances ſhould prevent the communication with the fleet, or ſhould render it advantageous to relinquiſh it.

In the ſame period of time I alſo armed the Portugueſe troops, and aſcertained, as far as lay in my power, the degree of their diſcipline and efficiency, and recommended and ſuperintended their organization. I offered ſuch a ſum of money, as the funds of the army could afford, to defray any expence which it might be deemed neceſſary to incur in their equipment for the field, which was declined by the Portugueſe General Officers, and I met thoſe gentlemen at Montemore Valho on the 7th, and arranged with them the plan of our operations and march, which was delayed for the main body of the army till the 10th, at their deſire, for the convenience of the Portugueſe troops.

On the 8th, I wrote a letter to Sir Harry Burrard, which I left with Captain Malcolm of the Donegal, to be delivered to him upon his arrival at the Mondego, detailing all the circumſtances of our ſituation, and recommending for his conſideration a plan of operations for the corps under the command of Sir John Moore. The Court will find the copy of this letter encloſed in my diſpatch to Lord Caſtlereagh of the 8th of Auguſt.

The advanced guard marched on the 9th, ſupported by the brigades under General Hill and General Ferguſon, as I had heard that General La Borde had collected his own corps, and General Thomiere's, conſiſting of from 5 to 6000 men, in the neighbourhood of Leyria, which place he threatened, as it contained a magazine formed for the uſe of the Portugueſe army. On the 10th the main body followed, and the advanced guard arrived at Leyria on the 10th, and the main body on the 11th.

I received a letter from Mr. Stuart and Colonel Doyle, at Corunna, on the 10th, detailing the inefficient ſtate of the Gallician army under General Blake, that that General had ſeparated his troops, which conſiſted of infantry, from the cavalry under General Cueſta, and that neither were in a condition to act offenſively againſt Beſſieres, or even to follow that General, if he ſhould march into Portugal, or to attack him if he

ſhould make any conſiderable detachment to that quarter. At the ſame time I received intelligence of the retreat of Joſeph Bonaparte from Madrid on the 29th July; and I concluded that Beſſieres, inſtead of moving out, or detaching towards Portugal, would cover the retreat of Joſeph Bonaparte towards the French frontier. Whether he did ſo or not, it was obvious to me that I ſhould have time for my operations againſt Junot, before Beſſieres could arrive in Portugal to interrupt them; and it was probable that General Acland's corps or Sir John Moore's would arrive and land in Portugal before Beſſieres could come from the north of Spain.

Adverting therefore to the advanced ſtate of the ſeaſon, the neceſſity of communicating with the ſea-coaſt, and the certainty that that communication would be nearly impracticable after the month of Auguſt, and to the ſtill diſperſed ſtate of the French forces in Portugal, I conſidered it to be important to endeavour to perform thoſe operations to which the army was equal, and for which it was fully equipped, without loſs of time.

I communicated, however, the intelligence I had received from Mr. Stuart, and my opinion upon it, to Sir Harry Burrard, in a letter which I addreſſed to him on the 10th of Auguſt; a copy of which, and of a private letter to Sir Harry Burrard, the Court will find in my diſpatch to the Secretary of State of the 18th of Auguſt.

The Portugueſe army, conſiſting of about 6000 men, including 500 cavalry, arrived at Leyria on the 12th, where the whole force was then aſſembled.

The French General Loiſon, who I have informed the Court, had been detached acroſs the Tagus into Alentejo on the 26th or 27th of July, with between 5 and 6000 men, had withdrawn the greateſt part of the garriſon of St. Ubes, conſiſting of 1600 men, by which he had been joined, and he had immediately marched towards Evora, where he defeated and diſperſed a Spaniſh detachment, conſiſting of 1000 men, and the force of the inſurrection of Alentejo, collected in that town; he then marched to Elvas, revictualled that place, ſuppreſſed the inſurrection, and re-eſtabliſhed the French authority in Alentejo, and made arrangements

for the purchaſe and collection of the grain of that province.

He croſſed the Tagus again at Abrantes, and marching down that river, he arrived at Thomar, about 16 miles to the S. E. from Leyria, on the evening of the 11th, on which day the Britiſh army arrived at Leyria.

The corps under La Borde was, at the ſame time, at Alcobaça, about 16 miles from Leyria to the S. W.: and the object of the French officers had evidently been to join at Leyria before the Britiſh troops could arrive there.

This town is on the high road from Liſbon to the north of Portugal, to the eaſtward of which, and nearly parallel to the road, there is a chain of high mountains which runs from Leyria nearly to the Tagus; over which chain there is no good paſſage for carriages. In conſequence of the early arrival, therefore, of the Britiſh troops at Leyria, General Loiſon was obliged to return to the ſouthward before he could effect his junction with General La Borde, who was thus expoſed to be attacked when alone; and was attacked on the 17th of Auguſt. The Court will find in my diſpatch to the Secretary of State of the 16th of Auguſt, from Caldas, an outline of the operations of Loiſon's corps, of which what I have here ſtated is a more detailed account.

All the arrangements for the march having been made and communicated to the Portugueſe officers, the army marched on the 13th, in two columns, to Calveria, and on the 14th, in two columns, to Alcobaça, from whence General La Borde had retreated in the courſe of the preceding night. The Portugueſe troops had not marched from Leyria, as had been arranged, and as I had expected, under the pretence that they had no proviſions; and I received, on the 13th, in the evening, a letter from Colonel Trant, who was employed by me to communicate with the Portugueſe General, in which he informed me of the General's intention to halt at Leyria, unleſs I ſhould conſent to ſupply the Portugueſe troops with proviſions from the Britiſh commiſſariat, on the march to Liſbon. He alſo explained a plan of operations which General Freire propoſed to carry into execution, by which he would have been left without any

communication with the Britiſh army, expoſed to be attacked by the French army if they ſhould chooſe to abandon the defence of Liſbon and the Tagus, and proceed to the northward and eaſtward; or even if they ſhould be compelled to retire after an action with the Britiſh troops.

In my reply to this communication, I pointed out the impoſſibility of my complying with the demand for proviſions, and the danger which would reſult from the adoption of the plan of operations propoſed for the Portugueſe corps.

I urged the Portugueſe General in the moſt earneſt terms to co-operate with me in the deliverance of his country from the French, if he had any regard to his own honour, to the honour of his country, or of his Prince; and I pointed out to him the reſources of which he could avail himſelf to feed the army. I then propoſed to him, that if he ſhould not march with his whole corps, he ſhould ſend to join me 1000 regular infantry, all his light troops and his cavalry, which troops I engaged to feed, as the utmoſt I could undertake to perform in that way.

Theſe troops, in number 1000 regular infantry, 400 light troops, and 250 cavalry, joined me at Alcobaça on the evening of the 14th with Colonel Trant, and remained with me during the remainder of the operations.

The main body of the Portugueſe corps, inſtead of carrying into execution the plan of operations which I had originally propoſed, or that which General Freire had ſubſtituted, adopted the meaſure of ſafety which I had recommended in the event of his determination not to join me, and remained at Leyria, and afterwards at Caldas and Obidos, till the 22d of Auguſt.

On the arrival of the army at Alcobaça, I immediately opened a communication with Captain Bligh of the Alfred, who had been for two days waiting with the fleet of victuallers and ſtore-ſhips off Nazareth, and a ſupply of bread and oats was immediately landed; and I appointed Peniche, which place I intended to reconnoitre, as our next point of communication.

The army marched on the 15th in two columns to Caldas, where it halted the 16th, to allow the Com-

miſſariat to come up and receive the ſupplies which had been landed at Nazareth. On the 15th, in the evening, there was a ſkirmiſh between the troops of the advanced guard of La Borde's corps and our riflemen, in which the latter ſuſtained ſome loſs. But we kept poſſeſſion of the poſt at Obidos, which commands the valley of Caldas.

The details of this affair are publiſhed in the Gazette, as are thoſe of the action of the 17th.

Throughout that day we had reaſon to believe that General Loiſon, who had moved from Rio Major on the evening of the 16th, would be found on La Borde's right, and the diſpoſition for the attack was made accordingly. During the action a French officer, who was dying of his wounds, informed me, that they had expected Loiſon to join them that day at one o'clock by their right, which was the reaſon for which they ſtood our attack, that their numbers were 6000, and that their loſs had been ſevere. Intelligence to the ſame purport was received from other priſoners; and as a ſmall patrole of French infantry appeared at no great diſtance from the left of our poſition on the 17th at duſk, and I heard that Loiſon's corps was at that moment arriving at Bombarral, which was about five miles from the field of battle, I conclude that the junction had been intended, and was prevented only by our early attack.

At all events, great caution was neceſſary in all the movements of that day; and indeed the nature of the ground over which the troops were obliged to move, rendered a very rapid attack impoſſible.

The two French corps joined on that night, and retired beyond Torres Vedras, which was ten miles from the field of battle, towards Cabeça de Montachique. My intention was to march to Torres Vedras on the morning of the 18th, and the troops were under arms, and the orders for the march had been iſſued, when I received, from General Anſtruther, an account of his arrival on the coaſt, and of his junction with Captain Bligh. My original intention had been to employ the corps under General Acland and General Anſtruther, in the ſiege of Peniche, if I ſhould find it neceſſary to undertake it; or if I ſhould not, to ſend them down

the coaſt to effect a landing in ſome of the bays in the neighbourhood of the Rock of Liſbon, in the rear of the enemy, while I ſhould preſs upon their front. But the diſappointment which I experienced in the hoped-for co-operation of the Portugueſe troops, which were with me in the action of the 17th, and above all the determined and gallant reſiſtance of the enemy in that action, induced me to be of opinion, that I ought to land General Anſtruther's brigade, and General Acland's when it ſhould arrive, and to join thoſe troops to the army.

I therefore marched on the 18th to Lourinha, from whence I communicated again with General Anſtruther, and on the 19th to Vimiera; which appeared, on the whole, to be the poſition beſt calculated to ſecure the junction of General Anſtruther, at the ſame time that it was a march in advance on our route. On account of the calms, the fleet, which was anchored off the Berlings, could not ſtand in till late on the 19th; and General Anſtruther did not land till that evening, and he formed a junction with two brigades, detached from our left, on the morning of the 20th, and took his poſition in the advanced guard.

Between the 18th and 20th, the French corps had aſſembled at and about Torres Vedras; the troops laſt arrived under General Junôt, forming the advanced guard, in a ſtrong poſition in front of the town; and the diviſions of La Borde and Loiſon, the main body, in another ſtrong poſition behind it.

Their cavalry was very active throughout the days of the 19th and 20th; they covered the whole country; patrolled frequently up to our poſition; and on the 20th, one patrole was puſhed into the rear of our right, as far as the landing-place at Marceira.

Under theſe circumſtances we could gain no detailed information of the enemy's poſition, excepting that it was very ſtrong, and occupied by their whole force.

My intention was to march on the morning of the 21ſt, and orders were iſſued accordingly: I ſhould have puſhed the advanced guard as far as the heights of Mafra, and ſhould have halted the main body about four or five miles from that place. By this movement, the enemy's poſition at Torres Vedras would have been

turned, and I ſhould have brought the army into a country of which I had an excellent map, and topographical accounts, which had been drawn up for the uſe of the late Sir Charles Stuart; and the battle, which it was evident would be fought in a few days, would have had for its field a country of which we had a knowledge, not very diſtant from Liſbon, into which town, if we had been ſucceſsful, we might have entered with the retreating enemy.

I was informed in the middle of the day of the 20th, that General Acland's brigade was in the offing, and I made arrangements for their diſembarkation as ſoon as they ſhould arrive; and in the evening of this day Sir Harry Burrard arrived in Marceira roads in the Brazen; he immediately aſſumed the command of the army.

The Court will obſerve that the laſt of my diſpatches to the Secretary of State is dated on the 18th; and the account of my proceedings on the 19th and 20th, the two laſt days of my command, is made from memory, aſſiſted by reference to private letters writtten at the time; and if the Court ſhould wiſh it, it can be ſubſtantiated by evidence.

The Court adjourned till

Monday, November 21.

Sir HEW DALRYMPLE explained that the London Gazette was taken from an incorrect copy, which the Judge Advocate obſerved he had found to be the caſe: that certain parts of his Narrative referred to ſome of his diſpatches to Lord Caſtlereagh, which could not, as he had expected, come before the Court. He alſo produced ſome other returns of ſtores, and a letter to the Ruſſian Admiral, with the anſwer.

In conſequence of an intimation from the Judge Advocate, General Ferguſon, Colonel Torrens, Majors Campbell and Tucker, and Captain Malcolm of the Donegal, who were afterwards to be called upon, withdrew.

Sir ARTHUR WELLESLEY, in regard to his Narrative, obſerved, that ſhould it in any way differ from

his diſpatches, he was ready to give his own evidence, or produce witneſſes.

The JUDGE ADVOCATE read ſeveral ſtatements from Sir Arthur Welleſley, which are already detailed in his Narrative.

Sir ARTHUR WELLESLEY *examined by the Earl of* MOIRA.

Did you communicate with any perſons at St. Andero, or at any part of Biſcay, as to what advantage might be derived to the common cauſe by your landing in Spain?—When at Corunna I received a letter from Sir Thomas Dyer, who rather urged me to diſembark at St. Andero, that we might attack the French corps then in poſſeſſion of that city. I communicated on this ſubject, amongſt others, with the Junta of Gallicia, who I conceived were intereſted in the poſition of the French corps at St. Andero, and was by them informed, that meaſures had been adopted, which they thought likely to be effectual to drive the French from St. Andero; and theſe meaſures afterwards proved ſucceſsful. I had no communication whatever with any conſtituted authority of Biſcay, which province was not, as I underſtood, at that time in inſurrection againſt the French.

Had you any communication with the Spaniſh Generals, or any ſuggeſtions from the Juntas, reſpecting the occupation of the paſſes of the Pyrenees with a view to prevent reinforcements being received by the enemy?—I had no communication on that ſubject.

Did you think the force under your command, on the 10th of Auguſt, when you wrote to Sir Harry Burrard to proceed and cut off the retreat of the enemy, ſufficient to drive the French armies out of Portugal?—I did conſider the force under my command ſufficient to expel the French out of Liſbon and the forts of the Tagus.

What alteration took place afterwards, to make you change your opinion on the arrival of Sir John Moore?—None whatever, as to the ſtrength of the army, and of its being able to accompliſh that object. The country could afford no proviſion, except freſh beef and wine; and believes, from the time the troops landed, until the 20th of September, when he left the army, they

only received biſcuits from the ſhips, as ſtated in his Narrative, except a ſmall quantity of bread and flour, left by the French, while he commanded the army; this bread ſupplied the Portugueſe troops, 1650 in number, who were with him; afterwards the officers of the army received ſome baked bread from the Commiſſary; but is of opinion, upon the whole, that no exertion could have drawn from Portugal a ſupply of bread ſufficient for the troops. This has been explained by his letter, and the explanations of that letter, in regard to the arrangements and diſtribution of ſupplies, as well as the collection. Wine was procured at almoſt every place, in ſufficient quantity for one or two days' conſumption; but Sir Arthur Welleſley had ſeen in villages, where the army had halted for more than one or two days, the wine exhauſted in more than one inſtance. Believed, latterly, the Commiſſary was not always able to ſupply the troops with wine. As long as he commanded the army there was no want. Of beef there could be no actual want, for the carts of the country were drawn by bullocks, and the draught cattle might have been killed for food for the troops; but without that reſource, it was very ſoon found that the ſupply of cattle for ſlaughter was not ſufficient for a large army in Portugal; and, in point of fact, before he quitted the army, a very large proportion of the troops, nearly half, was fed upon ſalt proviſions, and, he believed, the whole, ſince. The cattle with which the army was fed, while under his command, were ſupplied under the contract of Mr. Archer and Mr. Walſh, and they all came from the north of Portugal, excepting about twenty, received at Calvas. Does not recollect that the part of the country which was the immediate ſeat of operations, ever ſupplied any. Did underſtand that the Junta of Andaluſia was not deſirous of the co-operation of the Britiſh army with their own troops, under the command of General Blake; but they were not averſe to their landing in the country, as they conſented to his landing at Vigo, if he found it convenient, it being the only port, except the Tagus, that could afford protection to our tranſports, on the weſt coaſt of the Peninſula. Alſo underſtood that the Junta of Seville had no great deſire that General Spencer's corps ſhould

co-operate with General Caſtanos', although they were deſirous they ſhould land at Port St. Mary's, and eventually cover the retreat of Caſtanos, in caſe he ſhould be defeated by Du Pont. This opinion was formed from communications which he (Sir A.) had with the Junta of Andaluſia, as far as reſpects them, and in theſe communications they expreſſed the moſt anxious deſire that we ſhould carry on our operations in Portugal, and drive the French out; and that afterwards the Britiſh army ſhould be a point of connexion between the north and ſouth armies of Spain. Did not receive any encouragement from the other Juntas in Spain. Conſidered the driving the French out of Portugal the greateſt object of the Spaniſh nation. There was no doubt whatever, if the apprehenſion of the employment of the diſpoſable force of Great Britain in Portugal, had been removed from the mind of the French General in Portugal, but he might have moved a large proportion of his army into Spain.

Captain MALCOLM, *of the Royal Navy, examined.*

Was employed in aſſiſting Sir Arthur Welleſley in landing his force on the coaſt of Portugal the whole of the time. There was always a great difficulty in landing on the coaſt in theſe months, owing to a ſwell, which cauſes a conſiderable ſurf upon the beach. At Mondego there is a river, at the mouth of which is a bar that cauſes conſiderable ſurf. During the time he was at it, there were only four or five days that common boats could paſs without danger; but at Mondego they got a ſupply of large boats and ſchooners, particularly adapted to that coaſt, which very much facilitated the landing of the troops. There was no other place where boats of the country could be procured, except at Marceira. Never was there, but underſtood they might be procured: believes alſo boats might be procured at Peniche, and that the landing was pretty good: had ſeen boats there in the poſſeſſion of the enemy. They experienced great difficulties and dangers during the time they were employed at Mondego; many of the boats were ſwamped: the boats at Mondego could not have been brought to the ſouth, ſo as to be of uſe. They could not land upon an open beach: the anchorage is bad, and tranſports would

lie expoſed to weſterly winds; the prevalent winds are northern; but at the end of Auguſt they are frequently ſouth-weſt, as we experienced.

In anſwer to a queſtion by Sir Arthur Wellesley—Does recollect, that one night, on the 30th of Auguſt, wind ſouth weſt, he weighed anchor, and made ſignals to the convoy, which conſiſted of about 240 tranſports. About one half of them only ſucceeded in getting under way, the others were obliged to remain at anchor. The next day the wind ſhifted, and they returned to Marceira. Found that ſixty of the tranſports had loſt their anchors. Had no doubt, if the freſh breeze had increaſed to a common gale, many of them would have been loſt. They were reduced to their laſt anchor; the anchorage was bad, and the bottom rough. The tranſports belonging to Sir John Moore's troops were very badly found, and not calculated to beat-off a lee ſhore; they were common colliers. Believes that, under the Berlings, a few ſhips might be anchored, but it is not good anchorage; they would be ſheltered from the ſouth-weſt winds. Veſſels, not drawing more than eleven feet, can lie in Mondego Bay. The boats in landing at Marceira were conſtantly filled with water from the ſurf; ſuppoſes about twenty were entirely loſt, and ſix or ſeven men drowned. The day before he left Marceira, the 30th of Auguſt, could only find thirty or forty boats fit for ſervice, although the carpenters had been conſtantly employed in repairing them.

Sir ARTHUR WELLESLEY then obſerved, that he had other queſtions to put to Captain Malcolm, but they would come better in the ſubſequent proceedings of the Court.

Sir HEW DALRYMPLE then roſe, and read a narrative, commencing from the 3d of Auguſt, the time he received the official letter of Lord Caſtlereagh, at Gibraltar, appointing him Commander in Chief of the army. The veſſel that brought out his official appointment, as Commander in Chief, alſo brought diſpatches to Lord Collingwood, directing him to order a ſuitable veſſel to be at his command. Lord Collingwood fixed on the Phœbe frigate, on board which he embarked. His inſtructions were to take the command of that part of the army he thought would be moſt advantageous, and at

all events to *expel* the French out of Spain. He begged leave to remark here, that the word *expel* authorized him to do it by any means; it even warranted the Convention.—Lord Collingwood informed him of the defeat of General Du Pont, and that all apprehenſion of Junot moving towards Seville was done away. He alſo heard of the evacuation of Madrid, by Joſeph Bonaparte, without any force on the part of the Spaniards, which made him believe that the whole Britiſh army could act moſt beneficially in Portugal.—Lord Collingwood had alſo informed him, that Sir Arthur Welleſley had diſembarked his troops at Mondego Bay; he felt that Sir Arthur Welleſley would have to contend with the whole of the French force; he went to the Tagus, and ſaw Sir Charles Cotton, who had a very imperfect account of the number and ſituation of the enemy, he having ſtated them only at 9000, and thoſe ſcattered. Sir Arthur Welleſley ſeemed to be engaged in an enterpriſe planned by himſelf. He did not think it would be right for him to take the reſponſibility of it, or that he ſhould ſnatch the laurels likely to be gained by Sir Arthur; particularly as he had received a private letter from Lord Caſtlereagh, who had kindly allowed him to make it public, expreſſive of the confidence of Miniſters in Sir Arthur's bravery and talents as commander, and recommending to Sir Hew, on all occaſions, to conſult him, as he having been on the ſpot in England, was in full poſſeſſion of the ſentiments of Miniſters reſpecting Portugal. From theſe circumſtances he ſaw the propriety and expediency of not interfering with Sir Arthur Welleſley. He heard a report from ſome fiſhing-boats, of an action having taken place on the 17th, which was much exaggerated in favour of the Britiſh troops. On the 21ſt, he ſent his Aid-de-camp on ſhore to learn the particulars, with orders, if he ſaw Sir Arthur Welleſley, to inform him of his determination not to interfere with his command. His Aid-de-camp returned in the evening with an account of Sir Arthur Welleſley's victory, on that day, over the French, and of General Sir Harry Burrard having arrived and taken command of the army. This put all delicacy aſide, and he landed on the morning of the 22d, without any information relative to the condition of the Britiſh army, the ſituation of the French, or the incli-

nations of the Portugueſe towards our army. The army was encamped on the ground which it maintained the day before; the ſlain were lying on the field unburied; the wounded had not been embarked. His firſt order was for the army to hold itſelf in readineſs to march; he conferred with Sir Harry Burrard and Sir Arthur Welleſley. He begged here to remark, that, with reſpect to what many officers had been led to think, he meant that the following up the enemy, on the 21ſt, would be attended with advantage; he had nothing to do with it; but from the great advantage the enemy poſſeſſed in their cavalry, compared to ours, conſiſting of a ſmall number, badly mounted and equipped, it ſeemed to him that no great advantage could have been derived, and that the contrary might have been the reſult. At half paſt one o'clock there was an alarm in the camp, that the enemy was advancing. He, Sir Hew, with the advice of the General Officers, made every diſpoſition to meet them. It turned out to be General Kellermann, with a flag of truce, eſcorted by a party of cavalry. On General Kellermann's arrival, he called Sir Harry Burrard and Sir Arthur Welleſley, knowing nothing at the time of the local ſituation of the armies, and being obliged to form his opinion from the part they took in the diſcuſſion. He confeſſed that he agreed the armiſtice ſhould be longer than Sir Arthur Welleſley wiſhed, and he did it apparently at the ſuggeſtion of General Kellermann; but it was becauſe he wanted an opportunity for Sir John Moore to land his troops. He formed his opinion from the knowledge and opinions of Sir Harry Burrard and Sir Arthur Welleſley, yet he did not wiſh to attach any reſponſibility to them: for the entire reſponſibility, from the moment he aſſumed the command, he took on himſelf. The argument or threat uſed by Kellermann, although it had no influence upon his mind, might have been carried into execution. It was, that the Ruſſians ſhould land from their ſhips, and make common cauſe with the French, which would add 5000 men, an amount ſince proved far greater than their real number. Although the Convention had raiſed ſuch a cry of calumny againſt it amongſt the people of England and of Portugal, there was not an article in it that differed from the Conventions of Malta and Alexandria,

which were received with ſhouts of applauſe in this country; he thought then, and was now convinced, that the removal of the French by treaty was the beſt poſſible mode, as their cavalry was ſo far ſuperior to ours; the want of artillery, beſides, would have prevented the Britiſh army from doing any thing effectual. The chief part of the cavalry horſes were blind, old, and lame; ſome of them actually died of old age. General Junot, after the action of the 21ſt, retreated towards Liſbon, and ſent before him, expreſs, a party, who iſſued a fallacious proclamation, at Liſbon, ſetting forth that he had defeated our troops, and was returning triumphant. This had the deſired effect; it quieted the inhabitants of Liſbon.

On the 23d he ſent Lieutenant-Colonel Murray with a copy of the armiſtice to Sir Charles Cotton; General Freire had made known to him his diſapprobation of the armiſtice, but it aroſe from the Junta not being conſulted. He explained to him, and gave him his opinion, that they were not the legitimate government, as they were not the ſame appointed by the Prince Regent. He afterwards ſent General Freire a copy of the armiſtice, to be forwarded to the Junta, which he did not think proper to do, but iſſued a proclamation in the name of the Prince Regent, proteſting againſt it. On the 27th, Lieutenant-Colonel Murray returned from Sir Charles Cotton, with his diſſent from the article concerning the Ruſſian fleet. He then perceived an appearance of guile on the part of General Kellermann; ſent for Sir Harry Burrard and Sir Arthur Welleſley, and conſulted with them. Sir Arthur Welleſley drew up a letter, which he ſent by his own Aid-de-camp, to Lieutenant-Colonel Murray, as his inſtructions to negotiate. On the 28th he returned, when he, Sir Hew, convened all the Lieutenant-Generals, except Lord Paget, whoſe aſſiſtance he was deprived of, and which he ſhould always regret. Sir Arthur Welleſley took down the objections, which were ſent to Lieutenant-Colonel Murray. On the 30th, he returned with the Definitive Treaty, ſome parts of which he could not ſay had his entire approbation, but they were of minor importance. On Wedneſday, the 24th of Auguſt, he received an account of the arrival of Sir John Moore

and General Hope at Mondego Bay on the Monday preceding, and that they were not able to debark. He ſent, for anſwer, they were to land as ſoon as poſſible. On the 25th, Captain Malcolm arrived with word, that they could not debark on account of the ſurf.—Next day Sir John Moore and General Hope arrived, when it was ſettled that the troops ſhould land, whenever they could do ſo with ſafety. He then convened the Lieutenant-Generals, and declared that Sir Arthur Welleſley ſhould not be put in a ſubordinate ſituation, for that his valour, and the victory which he had gained, entitled him to a ſuperior command, and propoſed that he ſhould command the left wing of the army. He would do the Generals juſtice in ſaying, that they all cheerfully acquieſced, although ſome of them were of higher ſtanding in the army. He wiſhed to obſerve, that although he had employed Lieutenant-Colonel Murray to write a letter to Junot, and alſo Sir Arthur Welleſley, from their having a more perfect local knowledge of the ſituations of the armies, that he meant not to make them reſponſible. It never was his wiſh to charge his own acts upon any other perſon. When the Convention was brought to be ratified, although he acted with the moſt decided approbation of all the General Officers, yet he conceived himſelf only perſonally anſwerable for its conſequences.—Sir Arthur Welleſley's letter to Lord Caſtlereagh ſtates his reaſon for acquieſcing to the Convention: "The want of battering artillery and cavalry, and the uncertainty of proviſion." Here he begged leave to obſerve, that while our army had to contend with the elements for proviſion, we ought not to think a Convention that gained every thing ſhould be calumniated. The expulſion of Junot was only a ſecondary conſideration. The grand object was the facilities it gave us of aſſiſting the Spaniards; which would make them have a confidence in us, and think that we were warm in their cauſe—effects which the conſequences of a long ſiege would have prevented. The clauſe reſpecting property, in the Convention, was the ſame uſed in all treaties. He admitted, there were ſome trifling things in the Convention, which he did not defend. He had received a letter from Lord William Bentinck, who, from his

situation in Spain, must know the opinion of the Spaniards on the measure, declaring that it met with their highest approbation. As to the hoisting of the English colours, instead of the Portuguese, on the entrance of the British into Lisbon, he declared it was entirely without his knowledge; and when he heard of it, he ordered the Portuguese colours to be hoisted. He received a letter from His Majesty's Ministers, after the Convention, desiring him to act as he thought most proper and advantageous to the Portuguese; and in cases where they could not be consulted, for him to take the responsibility on himself, and they would bear him out in it. He begged leave to enquire, if he had not, under these circumstances, a right to suppose that His Majesty's Ministers approved of the Convention? He sent Lord Proby and General Beresford to Lisbon to prevent the plunder of the French being embarked. Was it ever supposed by the Convention, that the French were to be allowed to carry away what did not belong to them? —Without laying any stress upon General Kellermann's threat, that Lisbon should be destroyed, the French certainly might have plundered it, and left part of their force to defend it, while the remainder made good their retreat with the plunder. However dissatisfied the Portuguese might have been at first with the Convention, when they saw what a great number of French were embarked, and of what a quantity of plunder they had been stripped, they were grateful, and rejoiced that it had taken place. He told General Kellermann, in English (first asking him whether he understood it? which he acknowledged), that if any person belonging to the French army, from the Commander in Chief downward, dared to take away any plunder, he or they should be considered prisoners of war. He had received letters from General Castanos, expressing his happiness at the expulsion of the French from Portugal, and congratulating him that there was nothing to prevent the British army from marching into Spain, and going hand in hand with the Spaniards. In less than one month after the Convention, 24,000 Frenchmen had embarked from Portugal, and 10,000 English were marching into Spain, and this could not have been done by four months siege. He was bold to say, that every considerate person, the more he investigated the conven-

tion, the more he would be pleased with it; and he felt he had done his duty to his country in making it.

Sir ARTHUR WELLESLEY observed, that on some future day, he should beg leave to deliver into Court, some remarks, in writing, on that part of Sir Hew Dalrymple's narrative alluding to Sir Harry Burrard and himself.

Lord William Bentinck's letter to Sir Hew Dalrymple, approving of the convention, and some less important papers, were then read, after which the Court adjourned till ten o'clock on

Tuesday, November 22.

The Court assembled a quarter before eleven o'clock this day.

The JUDGE ADVOCATE GENERAL read the narrative of Sir Hew Dalrymple, which occupied the Court until half past twelve.

Sir HEW DALRYMPLE then delivered to the Board returns made to him by the superior officer of the Commissariat, in the British army in Portugal, on the 21st of August, in consequence of certain interrogatories put to that officer, as to the quantity of provisions, forage, and means of carrying them with the army. The returns stated that there were, on the evening of the 21st, with the Commissariat, 64,000 pounds of salt provisions, 35 puncheons of rum, 865 loads of hay, together with three days' division of bread, amounting to nearly 31,700 pounds of bread. On the evening of the 21st, there were with the Commissariat 360 carts full, and 40 empty. There was also a return of the number of the French army embarked, in consequence of the convention. It amounted to 20,735 men, 213 women, 116 children, and 759 horses, with the exception of the fortresses of Elvas and Almeida.

Sir ARTHUR WELLESLEY then read the following remarks:

General Sir David Dundas,

My Lords and Gentlemen,

The Court will permit me, I hope, to begin the address with which I have to trouble them with some few observations upon that part of Lieutenant-General Sir Hew Dalrymple's narrative which refers to the operations of the army, while under my command in Portugal, in which, of course, I feel much interested.

It appears that the General had, at a very early period, conceived an opinion, that I had undertaken an operation of extreme difficulty and hazard; and yet he entertained the intention of leaving me to conclude it as I could, and of joining, at the Mondego, the reinforcements, expected, from England. Indeed, he states, that he acted upon this intention, and that he communicated it to me by his Aid-de-Camp; but I can assure the Court, that, yesterday was the first time, I heard of it.

I do not mean now to extenuate the difficulty and the hazard of the enterprize which I undertook when I commenced my march from the Mondego; I am addressing myself to persons too well acquainted with the operations of war not to appreciate them; but I contend for it, notwithstanding the opinion, as at present stated, of an officer of so much more experience than myself, that the means which I had in my power, those which I expected, and the measures which I adopted and recommended, were more than adequate to overcome the difficulties and remove the risks of the operation, which I conducted, excepting those inseparable from all military operations.

The Court have already before them, in my dispatches to the Secretary of State, to Sir Harry Burrard, and in my narrative, the reasons which induced me to land, and to march without waiting for further reinforcements, upon which I would wish to rely. But what has fallen from Sir Hew Dalrymple renders it necessary for me to trouble them with something further upon this part of the subject.

The questions, as arising out of his statement, are, whether I was, in the first instance, sufficiently strong to get the better of the enemy in the field; and if I was, whether I adopted the best means of getting the better of him.

In respect to my strength, in comparison with the army of the enemy, I do not desire to be judged by the result of the campaign, as far as it was conducted by me, but by the commencement, at which time the measures were adopted, from which, as it was truly stated, it would not have been easy, and I certainly had no inclination, to withdraw.

My strength then consisted of nearly 13,000 British troops, and I had the assistance of 6000 Portuguese troops, from whose co-operation I expected to derive advantages, in which expectation I admit I was subsequently disap-

pointed. But I will ask this Court, what would have been said, and deservedly said, and felt of me throughout the army and the country, and by the government by which I was entrusted, if, with such a force, I had hesitated to advance upon the enemy? I have already told the Court in my narrative that I did not believe his force was more than from 16 to 18,000 men, only 14,000 of which number could be disposable in the field. The largest account we received, which was deemed an exaggerated one, of the strength of the enemy, made them 20,500; and even admitting those numbers to be correct, the troops disposable for the field could not have equalled in number those which I had under my command and co-operating with me.

It appears that I was not mistaken upon this subject, for, in point of fact, the largest number, at which I have ever heard the French force estimated in the battle of the 21st August, was 16,000 men; and I, who saw them, did not think they had more than 14,000, every man of which, excepting the cavalry, who remained untouched, were actually engaged, and, particularly, General Kellermann's reserve.

Now if all this be true, I may fairly conclude, that if the enterprize was hazardous and difficult, I was not without means of bringing it to a fortunate conclusion.

The next question is, whether, having adequate means in my power, I adopted proper measures to effect my object. Sir Hew Dalrymple says, that by the line of march I adopted, all the strong positions were in the hands of the enemy; but I can assure him, that he will find it very difficult to adopt any line of march in Portugal, which will not afford strong positions to an enemy acting on the defensive. But there was one advantage attending the line which I adopted, which was, that it rendered the enemy's superior cavalry useless, in the way in which he ought to, and would, have employed it, if I had adopted any other line.

If I had adopted the line by the high road from Lisbon to the North, by Santarem, I must have kept up my communication with the Mondego; which would have weakened my force for operations in the field; and, after all, the enemy with his cavalry, must have broken in upon it. By adopting the line by the sea coast, and depending, for my supplies, upon the shipping, my communica-

tion was so short, that it defended itself, I was enabled to keep my force collected in one body, and I had my arsenals and magazines close to me whenever I required to communicate with them.

Having taken this line myself, I proposed that, by Santarem, to Sir Harry Burrard, for Sir John Moore's corps, by which it might have been adopted with safety, as I was upon the sea line.

The Lieut.-General has stated that, by the line I adopted, I left all the strong positions in the enemy's hands. I do not know what positions were in the enemy's hands, of which I could have deprived him, or he could have been deprived, by the adoption of any other line of march.

If the march had been made as I had ordered it on the 21st of August, in the morning, the position of Torres Vedras would have been turned; and there was no position, in the enemy's possession, excepting that in our front at Cabeça de Montachique and those in the rear of it; and I must observe to the Court, that if Sir John Moore's corps had gone to Santarem, as proposed, as soon as it disembarked in the Mondego, there would have been no great safety in these positions, if it was, as it turned out to be, in our power to beat the French in the field.

I will not follow the example of Sir Hew Dalrymple in entering into a discussion on the probable effects of the battle of the 21st of August, if a certain line of action had been adopted, because an officer supposed to be concerned in that question is not present, and I dare say that opportunities will not be wanting of entering into that part of the subject.

It has been my misfortune to have been accused of temerity and imprudence, as well as of excess of caution in the late transactions in Portugal, but without appealing to the result of what happened at the moment I gave over the command of the army, I may safely assert, that whatever might be the difficulty of the operations I had undertaken, means existed to bring it to a fortunate conclusion; that there was no ground for the apprehension for my safety, which Sir Hew Dalrymple seems to have entertained; and that under the instructions which I had received, I should have been blamed, deservedly, if I had not commenced my operations as soon as I thought I had a sufficient force.

The next point, to which I shall take the liberty of

drawing the attention of the Court, is the share which I am supposed to have had in the negotiation of the armistice and the convention. In that part of the question which have I discussed hitherto, I am wholly and solely responsible. In that part which follows I am held responsible for the advice I am supposed to have given, in character at least, if not in person, and in my profession.

It is important for me therefore to shew what advice I really did give, in what view I gave it, and what would have been the result, if the measures, which I recommended, had been pursued.

I did recommend and concur in the measure of allowing the French to evacuate Portugal with their arms and baggage; and here I must observe that it was particularly understood in the negotiation of the armistice, that in the words "property of all descriptions," was to be included only military baggage and equipment; that this understanding was carried into execution by a separate article of the convention, and that the commissioners for executing the convention acted upon this principle.

When the measure of allowing the French to evacuate Portugal was to be taken into consideration, viz: on the evening of the 22d August, it was necessary to review the situation, the means and the resources of the two armies, and our own objects.

The enemy had collected their forces after the defeat of the 21st, and were about to resume the position of Cabeça de Montachique, whence their retreat was open to other positions in front of Lisbon, and thence across the Tagus into Alentejo. They had all the facilities in their power to make these movements, and when they would have reached Lisbon, the possession of that river by the forts and by the Russian fleet, and the great number of boats, of which they would have had the use, would have enabled them to cross, in one body, covered by the citadel and the high grounds, and they would scarcely have lost their rear guard. In Alentejo they had provided ample supplies.

As I have stated in my narrative of my proceedings from the 12th July, to the 20th of August, Loison had re-established the French authority, in that province, during his expedition towards Elvas in the month of July; and the grain which it had produced, was purchased for the use of the French army. I know this circumstance,

not only from the reports of the country, but from intercepted letters, written to Loison, by the French agents in Alentejo, which were shewn to me.

On their arrival in that province, the French would have had to march, unmolested, by the finest road in Portugal, to Elvas, which is a fortress, at least of the second order, among the fortresses of Europe; where they would have placed a part of their corps in garrison, and they would have sent the remainder across the upper Tagus to Almeida. This place was already provisioned in some degree; and that part of their force which the French would have detached to Almeida, would have experienced no difficulty in relieving the distant blockade kept up by the Portuguese peasantry, and in throwing in such quantities of provisions as they would have required.

Sir John Moore's corps had been ordered, on the evening of the 20th, to join the army, for which corps, a disposition had been proposed for the purpose of preventing the French force from carrying into execution the plan of operations which I have conceived, and which it is certain they would have adopted after their defeat in the field. Sir John Moore's corps could have supported itself at Santarem, as suggested, merely by keeping up its communication with the Mondego, because the victuallers and transports could lie in safety in that river only; and the country on the banks of the Mondego, and under the authority of the government of Oporto, could alone furnish the means of keeping up that communication, to any efficient purpose. When Sir John Moore's corps, therefore, was called down to join the army, it could operate only, as it was intended by Sir Harry Burrard that it should operate, in immediate aid and communication with that under my command, depending for its subsistence upon the means which had been provided for the army, and the whole bearing upon the enemy's front.

Our operations, when we should have joined, would have been those of a superior army pressing upon an inferior on its retreat; but nothing which we could have done, would have cut off their retreat; the enemy must have been in Lisbon before us; the Tagus would have been the enemy's to the last moment of their passage; and after they should have crossed, the necessity of possessing ourselves of the forts on the river, and the Russian fleet, in

the first instance, and the want of boats, which the enemy would have carried off, would have given them ample time to make all their arrangements in Alentejo before our troops could reach them.

But in carrying on these operations, we should have been involved in many difficulties and distresses, which might have again placed, in a state of risk, all the objects of the campaign.

The communication with the shipping on the coast of Portugal, is at all times precarious, becomes more so towards the end of August, and is, at length, quite impracticable. In fact, many boats were swamped in the last week in August, vessels lost their anchors, and, more than once, the fleet was obliged to go to sea in danger. On the 22d of August there were eleven days' bread in camp, for the original force which marched from Lavaos on the 9th and 10th of August; the troops which had landed on the 20th, had brought four days' bread for themselves; the supply for the whole might have been for eight or nine days, and no means could be procured of moving a larger quantity; no bread whatever could be obtained in the country; and in point of fact, I believe, that excepting a few thousand rations of bread left behind by the French at Alcobaça, Caldas, and Torres Vedras, and which were given to the Portuguese troops, the country supplied not a single ration, from the time the troops landed, till I came away, on the 20th September.

It was obvious then, that when Sir John Moore's corps should land at Marceira, and should nearly double the consumption of the army, without increasing the means of procuring and conveying its supply, there was a risk of its being in want.

Sir John Moore's corps could not be expected to be on shore, and in a situation to commence its operations, till the end of August, during which period the enemy would have fortified his positions at Cabeça, and in the rear towards Lisbon; and it would have been unreasonable to expect to be able to force or turn them in less than ten days. During the whole of this interval, as well as during the time that would be employed in landing Sir John Moore's corps, the whole army would have subsisted, and would have depended upon the means which had been collected and provided for the subsistence of half of it; and it would have been certain of a supply only at

the time it should reach and be in possession of the river Tagus, so as to admit the transports.

After we should have obliged the enemy to cross the Tagus, and we should have possessed ourselves of the forts on that river, and of the Russian fleet, and should have crossed that river with the British army, we must have placed ourselves in a situation to invest Elvas for a blockade, or a regular siege. In either case, the army would have been exposed to the effects of a bad climate in the worst season of the year; and in the latter case, they would have had to move the means for the siege from Abrantes, beyond which place the Tagus would not have carried them to the scene of action, a distance of not less than sixty miles.

After having performed this operation, the army would have been obliged to renew it, in order to obtain possession of Almeida.

I am convinced that we should not have had possession of Elvas till late in December; and I think it more than probable, that we should have been glad to allow the French to evacuate Portugal in that month, instead of August, if we had persevered, after having sustained a loss of a great part of our army by sickness, and of three months of most valuable time with reference to further operations.

I conceived that the objects of His Majesty, and of the Spanish nation were, that the British army should co-operate with the Spanish armies. I believed that the only mode in which the operations of the Spanish corps could be brought to bear upon the same object, was by the influence which the co-operation of a British army would give to the government; and I believed that it was important to the Spanish nation, to have the co-operation of 30,000 British soldiers in Spain, to receive the assistance of 4000 Spanish soldiers, who were prisoners to the French, and of about 2000 who were employed in Portugal.

I considered these objects to be so important, as to counterbalance the disadvantage of throwing 20,000 additional French troops, at no very remote period, upon the Pyrenees; that the Spanish nation would gain even upon a comparison of numbers, not less than 16,000 good troops; but if I was not mistaken in my political speculations upon this subject, they would likewise acquire strength in their own union, the amount of which could

not be estimated; and which strength I well knew they could acquire from no other source excepting Portugal, if a British army was to give it them; as I knew that this country could not afford to send out another army of sufficient strength.

I may have been mistaken in my speculations upon this subject; but in point of fact, the Spanish nation does now enjoy the very advantages from the convention to which I have above referred, and which I had in contemplation at the time the armistice was negotiated; and besides these advantages they have acquired another, viz. the service of the army of Estremadura, consisting of between 14 and 16,000 men, a part of them cavalry, which had been employed on the frontiers of Portugal, and have been equipped from the stores of Elvas, and are on their march towards the frontiers of France; and not a man of the French army which evacuated Portugal under the convention, has yet been brought, or can be brought for some time upon the frontiers of Spain.

In reference to political and military objects then, at least in my view of them, the measure of allowing the French to evacuate Portugal was an advantage.

If I were mistaken in my view of this advantage, it was a mistake into which I fell with the Spaniards themselves; for the army of Dupont, which was really in a situation to be obliged to surrender, was allowed to evacuate Andalusia by sea, and to serve again under the convention made by the Spanish general Castanos.

If, however, it were an advantage, there is another question attending it, which is, was it disgraceful *per se?* I am not now discussing the detail of the Convention, but the mere measure of allowing the French to evacuate Portugal.

Those who argue upon this part of the subject, contend that the French army ought to have been forced to lay down its arms. It is certainly a very desirable object, at all times, to oblige the enemy to lay down their arms, but the question, here, was one of means. I wish that those who think that the French ought to have been compelled to lay down their arms, had reviewed the history of all or any of the armies which have been forced to adopt that extremity, and had compared their situation with that of the French army in Portugal. Those armies have been invariably surrounded by bodies superior in

numbers, in equipments, or in efficiency; and have been distressed, or in the utmost danger of immediate distress for the want of provisions, and without hope of relief. I need not point out to this Board, that the French army in Portugal were not in that situation, and were not likely to be in such a situation. In fact, they had the military possession of Portugal; they had their magazines in the country, the fortresses, and the harbours; and they incurred no risk of distress from the want of provisions; but we who were to oblige them to lay down their arms, did incur that risk till we should obtain possession of the Tagus. But this is not all. Let the measure of allowing the French to evacuate Portugal be compared with other measures of the same description, which have not only been approved, but deservedly, in my opinion, extolled in this country. Let the situations of the garrisons of Cairo and Alexandria be compared with the situation of the French army in Portugal; and I believe it will be admitted, that the latter possessed advantages which the former did not; at the same time, that those who had to decide upon this measure in Portugal, knew that there must have been other objects for the British troops in that country, which the situation of Europe, at the time of the convention in Egypt, did not hold out to the British troops employed there.

But although I concurred in the general principle of the measure of evacuation, and advised it, I did not agree in all the details either of the armistice or the convention.

In the first place, I must inform the Board, that in the first interview I had with Sir Hew Dalrymple after his arrival in Portugal, on the morning of the 22d of August; I, who am supposed to have been his adviser, and am here now for no crime, excepting my supposed advice, had reason to believe, that I did not possess his confidence; nay, more, that he was prejudiced against the opinions which I should give him. I had an opportunity of talking to him, upon business that morning, as I can prove; in consequence of which I formed this belief; of which, if it is desired, I will state the grounds. I may have been mistaken in it, but I certainly entertained it, as I can prove, if the Board wish it, by an examination of those to whom I confided it. But I think the Board will be inclined to admit, that I might have had grounds for believing that Sir Hew Dalrymple was prejudiced

against the opinions which I should give him, when they will recollect his own account of the opinions he entertained of the operations I had conducted, even before he landed.

General Kellermann arrived at the advanced sentries of the British army between one and two on the 22d, and sent in a flag of truce to announce that he wished to speak to me, who, of course, he supposed, commanded the army.

It is true, as stated by Sir Hew Dalrymple, that there was an alarm in the camp, when he arrived, which was occasioned by a Portuguese officer, who had come from General Freire at Lourinha; and who represented General Kellermann's escort, which he had seen, as the whole French army.

The Commander of the forces was to do me the honor of dining with me on that day; and as he was then riding into the village of Vimiera, I asked him whether I should go up to the out-posts, and speak to General Kellermann; his answer was, no; that the general had desired to speak to him, the commander of the army, and he would receive him at my quarters.

General Kellermann was brought there, and he arrived at about half past two.

Shortly after his arrival, Sir Hew sent for me into the room in which they were, and communicated to me the object of General Kellermann's mission, which was repeated by Kellermann in my presence, and he afterwards read from a paper a memorandum of the wishes of the French commander in chief.

Sir Hew Dalrymple, Sir Harry Burrard, and I, withdrew into an inner room to deliberate upon Kellermann's propositions; but we had not the paper, as I had refused to take it, conceiving that the negotiation then going on ought to be confined to a mere suspension of hostilities. When we had gone into the inner room, I told Sir Hew Dalrymple that I considered that it was advisable to allow the French to evacuate Portugal, for reasons upon which I am afraid I have already delayed the Court too long; and I said that I did not conceive that there existed any objection at that moment to granting the French a suspension of hostilities for 48 hours, for the purpose of negotiating a convention for the evacuation of Portugal. Whether Sir Hew acquiesced in my opinion upon this

ſubject, I do not recollect, nor is it material; but I know that we all agreed that there was no objection to allow the French to evacuate Portugal by ſea.

I then told Sir Hew, that I thought there was an objection in point of form to allow the negotiation, then going on, to extend to other objects than the mere ſuſpenſion of hoſtilities; and that for that reaſon, I had declined to take from Kellermann the paper which he had read to us, but of which I told him that I accurately remembered all the particulars. He was of opinion, however, that as long as we agreed upon the material point, viz. "that the French ſhould be allowed to evacuate Portugal by ſea, it was uſeleſs to drive them to the wall upon a point of form;" and in this manner this objection was over-ruled.

After dinner the negotiation with Kellermann was continued. The firſt point which was diſcuſſed, was the property which the French were to carry off with them, which was explained by him to mean only the "military baggage and equipments."

The next point of difficulty was that reſpecting the Ruſſians, which at firſt ſtood in a form different from that in which it ſtands in the Armiſtice; and upon this point I ſtated to Sir Hew Dalrymple my opinion, that the French ought not to be allowed to ſtipulate for the Ruſſians at all. He would not allow the Ruſſians to ſtand as at firſt propoſed by Kellermann, under which they would have returned to the Baltic unmoleſted; and, in point of fact, the French General at firſt conſented, as I underſtood, to leave out the ſtipulation in reſpect to the Ruſſians, on the ground that it was a point referable to the Admiral. He brought it forward again, however, in the ſhape in which it now ſtands, and the Commander of the forces conſented to allow it to remain in the treaty, with the condition, that if the Admiral did not agree to it, it muſt be ſtruck out.

When General Kellermann firſt propoſed the arrangement in reſpect to the Ruſſians, as it now ſtands in the Armiſtice, the Commander of the forces, Sir Harry Burrard, and I, withdrew into the inner room, and I told His Excellency what had paſſed between Admiral Sir Charles Cotton and me, upon this ſubject, in a conference which I had with the Admiral, when I was

at the mouth of the Tagus on the 26th and 27th of July.

The Admiral had then told me, that he had heard, that the Ruſſian Admiral intended to remain neutral in the conteſt between the Britiſh and French troops, and would claim the neutrality of the port of Liſbon, and Sir Charles Cotton aſked me what I thought upon that claim. I told him that I thought the only way of getting rid of it, was to be ſo quick in our operations, that there would be no time for the Portugueſe to make it, before he would attack the Ruſſian fleet; and that it was a ſubject upon which it would be neceſſary to make a reference to England.

I pointed out to Sir Hew, however, that this was a claim which might be made by the Ruſſians on their own account, or by the Portugueſe in favour of the Ruſſians, but not by the French.

The Commander of the forces appeared to be of opinion, that as the queſtion was in fact underſtood by Kellermann to be referable to the Admiral, it was not important whether this agreement was in the arrangement or not.

It is true, as ſtated by Sir Hew Dalrymple, that there was a long, and the longeſt diſcuſſion upon the point relating to the Ruſſians, but it related to a claim made by General Kellermann, that the Ruſſian fleet ſhould be allowed to depart from Liſbon, and that the Britiſh fleet ſhould not be allowed to purſue them for a limited time. The Commander of the forces, however, inſiſted that they could have no more in the port of Liſbon than the rights of a neutral nation, and this point was yielded by General Kellermann.

The next point of importance was that relating to the length of time during which the ſuſpenſion of hoſtilities ſhould laſt; and Sir Hew Dalrymple admits, that I propoſed to limit the duration of the ſuſpenſion of hoſtilities to forty-eight hours only, whereas that he preferred the propoſal of General Kellermann, that the ſuſpenſion ſhould be unlimited in the firſt inſtance, and followed by a limited ſuſpenſion of forty-eight hours, when either party ſhould wiſh to put an end to it.

I will conſider preſently the advantage which I conceived the limited term of ſuſpenſion had over the un-

limited term, in the then ſituation of the two armies; but I will now conſider this circumſtance in another point of view: firſt, I am called the nogotiator of this inſtrument, and in this important point the plan of the French General is adopted inſtead of mine, by the Commander of the forces; but ſecondly, I am called the adviſer of theſe meaſures, and for this crime of advice I am here: now, although I muſt ſubmit to incur diſgrace and puniſhment where I ſhall be found to deſerve thoſe misfortunes, I muſt ſay that I think it is a new meaſure of juſtice which appears invented for me; that I, a ſubordinate officer, am to be puniſhed for adviſing meaſures which were not conducted according to my advice. I ſay that this point was moſt important in a view to the ſtate of our reſources, to the ſtate of the ſeaſon, and to the tone in which the Convention ſhould be negotiated; and, above all, it was important in a view to the threats of the French in reſpect to the Ruſſians. If there was any foundation for thoſe threats, which I acknowledged I imagined there was, and that they would have received aſſiſtance from the Ruſſians, if the Admiral refuſed his conſent to the article reſpecting the Ruſſian fleet, which I was ſure he would do, it was moſt important, that if the negotiations ſhould then be broken off, and notice given of the concluſion of the ſuſpenſion of hoſtilities, a period of forty-eight hours ſhould not be allowed to the French to equip and prepare the Ruſſians before we ſhould begin our operations.

If we derived any advantage, which I contend we did not, from prolonging the ſuſpenſion of hoſtilities, I was ſure that we could always prolong it.

But whatever may have been the opinion of the Commander of the forces on the 22d, and whatever may be Sir Hew Dalrymple's opinion now, he was of a different opinion on the 25th of Auguſt; and in point of fact, when he began to negotiate, he did, at my ſuggeſtion, give notice of the concluſion of the ſuſpenſion of hoſtilities in forty-eight hours from noon of the 26th of Auguſt, as appears by his inſtructions of the 25th of Auguſt to Colonel Murray.

After the articles were ſettled, Sir Hew Dalrymple ſays, that General Kellermann aſked him who ſhould ſign the Armiſtice; and he ſaid, himſelf; and he was about

to ſign it, when General Kellermann informed him that my name was in the title, and that it was not uſual for an officer of the rank of Commander in Chief to ſign an inſtrument with one of inferior rank.

I am afraid that Sir Hew Dalrymple's memory has not ſerved him very well upon this occaſion. If my name had been at that time inſerted in the title of the inſtrument as the negotiator of it, General Kellermann could have no reaſon to aſk, who was to ſign it; and if this queſtion was aſked by General Kellermann after the inſtrument was drawn up, and Sir Hew Dalrymple was about to ſign it, he was about to ſign it without reading the inſtrument; for if he had read it, he would have ſeen that my name was uſed in it.

The fact is, that when the terms had been generally ſettled, General Kellermann was dictating the fair copy of the inſtrument to the officers who were writing it, and before he wrote or dictated the title, he aſked Sir Hew Dalrymple who was to ſign it? and Sir Hew ſaid, himſelf. General Kellermann then repreſented that he (Sir Hew) being Commander in Chief, ought not to ſign an agreement with an inferior officer, and propoſed that I ſhould ſign it.

Sir Hew Dalrymple then came into another room where I was, and told me, that General Kellermann had propoſed that I ſhould ſign the inſtrument; and he aſked me, whether I had any objections to doing ſo? My anſwer was, that I would ſign any paper he wiſhed me to ſign.

It may not be very important, at what period Sir Hew Dalrymple had intended to ſign the inſtrument; but this is very obvious, that he had intended to ſign it, which he would not have done, if I had negotiated it; and indeed the very queſtion aſked by General Kellermann, ſhewed who was the negotiator; for if it had been I, or if it had been Sir Harry Burrard, there would have been no doubt, and the queſtion would have been uſeleſs; but as Sir Hew Dalrymple was the negotiator himſelf, and it was not regular for an officer commanding in chief to ſign an agreement with an officer of inferior rank, General Kellermann was obliged to inquire, who ſhould ſign? and in point of fact, propoſed me.

I repeat that I was not in the room at the time this converſation between General Kellermann and Sir Hew Dalrymple took place; but as I went into the room more than once, while the officers were writing the inſtrument, which was after I had been aſked and conſented to ſign it, I know it muſt have been when the title was making out, and not when the whole was drawn up.

When it was drawn up, I read it over, and at the table gave it to Sir Hew Dalrymple to read, with an obſervation, that it was an extraordinary paper. He anſwered, that it did not contain any thing that had not been ſettled; and I then ſigned it.

This is the mode in which this agreement was negotiated; and I repeat, that I never conſidered myſelf in any manner reſponſible for its contents, or for the manner in which it was drawn up.

It is perfectly true, that I adviſed the principle of the arrangement, and I aſſiſted the Commander in Chief in diſcuſſing the different points with General Kellermann, and that I gave him my opinion when he aſked it, and when I thought it deſirable to give it him. But I was not the negotiator, and could not be, and was not ſo conſidered, the Commander of the forces being preſent in the room, deciding upon all points, and taking part in all diſcuſſions. If, indeed, the Commander of the forces had given me inſtructions to negotiate this inſtrument, and I had then negotiated and ſigned it, I might have been reſponſible for its contents, or at all events, for the manner in which it was drawn up; but as it is, my ſignature is a mere form.

But this inſtrument, about which ſo much has been ſaid, and reſpecting which I have troubled the Court ſo much at length, is in point of fact a dead letter; it was never ratified by any of the parties in whoſe name it was conducted, and no one article in it was ever carried into execution, excepting that by which hoſtilities were ſuſpended.

From the beginning, my object had been to keep the Ruſſians clear from the French; I have ſhewn that I endeavoured to effect that object in the negotiatio of the Armiſtice, and I will now ſhew the ſubſequent mea-

ſure which I adopted, with a view to effect the ſame object in the ſubſequent negotiations.

At three o'clock in the morning of the 23rd, the army marched under my command to Ramallah. Colonel Murray had been ſent off from Vimiera at an early hour, to communicate to the Admiral the contents of the agreement for ſuſpending hoſtilities; and upon my arrival at the ground at Ramallah, I gave to the Commander of the forces a paper of which, what follows, is a copy.

" 1st. It would be very deſirable to inſtruct Colonel " Murray at an early hour this day, to urge the Admiral " to have a communication with the Ruſſian Admiral, " in which the latter ſhould be informed, that whatever " might be the reſult of the negotiations between Sir " Hew and the Duke d'Abrantes, the Ruſſian fleet " ſhould not be moleſted, if they conducted themſelves " as they ought in a neutral port, and took no part in " the conteſt.

" 2ndly. If the Admiral ſhould conſent to this ar- " rangement in favour of the Ruſſians, and the Ruſſians " ſhould be ſatisfied upon this point, the French Com- " mander in Chief ſhould be preſſed upon the following " points in the negotiation for the Convention.

" 1st. The fort of Peniche to be evacuated in two " days; the fort of Elvas and La Lippe in four days; " the fort of Almeida in five days; the French army " to croſs the Tagus and evacuate Liſbon and all the " forts on the Tagus in four days from the ſignature of " the Convention, and to be prepared to embark in " ſeven days, or as ſoon afterwards as the Britiſh Com- " mander in Chief may appoint.

" The Britiſh army in the mean time to have the uſe " of the port of Liſbon, and the navigation of the " Tagus.

" 2ndly. The mode of paying for the hire of the tranſ- " ports to be ſettled.

" 3dly. The port to be ſettled to which they were to " go; Rochefort or L'Orient would anſwer beſt, as being " the greateſt diſtance from Spain and the Auſtrian " frontier.

" 4thly. Security to be required for the tranſports " going to the ports appointed, and for the return of

" the tranſports; as fifty of thoſe ſent with the army o
" Egypt were detained in France.

" 5thly. Some mode to be deviſed of making the
" French Generals diſgorge the church plate, which
" they have ſtolen.

" 6thly. An exchange of priſoners to be ſettled.

" 7thly. There are no horſe-tranſports, and the
" French muſt be permitted to leave commiſſaries here
" to ſell the horſes, or to hire veſſels to tranſport them
" to France, but certainly not the cavalry itſelf."

Ramallah, Aug. 23, 1808.

The object of the paper was to get the Ruſſians out of the hands of the French; and I did think that it was a matter of indifference what arrangement was made with them, or what became of the Ruſſian fleet, provided it was not allowed to return to the Baltic. I was, and am ſtill of opinion, that the beſt arrangement would have been to leave them in the port of Liſbon, on the ground of its neutrality; two events might have occurred, either of which would have placed them in our hands, and in the mean time, the officers and ſeamen would not have been ſent back to Ruſſia to co-operate in the war againſt the Swedes.

One of the events is the declaration of Ruſſia againſt the Spaniards and Portugueſe, the other the re-entry of the French into Portugal. But whatever may have been the nature of the terms to be granted to the Ruſſians, it appeared to me moſt important, that the French ſhould have nothing to do with the negotiations affecting their fleet.

I beg to obſerve to this Court, that it always occurred to me, that one of the practical effects of the Convention with the French for the evacuation of Portugal, muſt have been to give to the Ruſſians the benefit of the neutrality of the port of Liſbon.

The Convention muſt have provided for the occupation of the forts of the Tagus by the Britiſh troops; and at this time the Portugueſe flags would be hoiſted. It would be impoſſible for the Britiſh Admiral to go in and attack the Ruſſians, while the arrangement under the Convention ſhould be in the courſe of execution; and while they would have continued in this ſtate, the

Ruſſians would have time to claim, and the Portugueſe to grant, the neutrality of the port; the queſtion then muſt have been referred to the Britiſh Government, and would have been diſcuſſed between them and the Portugueſe.

I do not know whether Sir Hew Dalrymple ſent inſtructions to Colonel Murray, according to the recommendation contained in the paper which I have juſt read, but I rather believe he did not, as he appeared to be convinced, that the Admiral would not agree to the terms propoſed for them under the ſeventh article of the agreement for ſuſpending hoſtilities. Colonel Murray returned to Ramallah from the Admiral in the night of the 24th, and having called upon me to inform me that the Admiral would not conſent to the terms propoſed for the Ruſſians, I deſired him to tell the General, that, in my opinion, he ought to inform the French Commander in Chief, as ſoon as poſſible, that he ſhould conſider the ſuſpenſion of hoſtilities at an end in forty-eight hours.

I waited upon Sir Hew Dalrymple at daylight in the morning of the 25th, in company with Captain Malcolm of the navy; and in his preſence I told him that I thought that he ought immediately to put an end to the ſuſpenſion of hoſtilities, on the ground of the Admiral's diſſent from the articles, without ſpecifying which of them; and to leave it to the French Commander in Chief to renew the negotiation for the evacuation of Portugal, if he ſhould think proper; but that we ought to loſe no further time in advancing.

I then pointed out to Sir Hew Dalrymple the practical inconvenience which reſulted at that moment from his having allowed the French a ſuſpenſion of hoſtilities for an unlimited period of time, followed by a limited period of forty-eight hours.

Sir Hew Dalrymple told me, that as ſoon as Colonel Murray ſhould have reſted himſelf, he would draw up a report of what had paſſed between him and the Admiral, on which he ſhould be better able to form his opinion.

In the courſe of that morning he ſent for me again, and he ſhewed me the report which Colonel Murray had made. I again recommended to him to put an end to the ſuſpenſion of hoſtilities, on the ground of the Ad-

miral's diſſent, without entering into details, and to leave it to the French Commander in Chief to recommence the negotiation for the evacuation, if he ſhould think proper. Sir Hew Dalrymple was, however, of a different opinion, and determined to communicate, through Colonel Murray, to the French Commander in Chief, the Admiral's ſentiments on the agreement for ſuſpending hoſtilities; becauſe Colonel Murray informed us, that when he was leaving the Hibernia with Junot's Aid-de-Camp, the latter had aſked him whether any thing had paſſed with the Admiral, likely to break off the negotiation, and had urged the propriety of informing Junot if that was the caſe. The Colonel had replied, that he did not think that any thing had occurred which ought to preclude further negotiation.

The Commander of the forces having thus determined that he would communicate to the French Commander in Chief, in detail, the Admiral's ſentiments on the Armiſtice, Colonel Murray's inſtructions were drawn, by which he was ordered to give notice of the end of the ſuſpenſion of hoſtilities in forty-eight hours; and he was authorized to negotiate a Convention with the French, for the evacuation of Portugal, on the terms contained in the paper which I had delivered to the General on the 23d of Auguſt, and which I have juſt read to the Court.

Thus then, between the 23d and 25th, I took two opportunities of endeavouring to effect the object I had in view, viz. to ſeparate the Ruſſians from the French; and I really believe, that, if the Commander of the forces had not been influenced by his deſire to perform with good faith, that to which he thought Colonel Murray had bound him by his converſation with Junot's Aid-de-Camp, and had not ſtated to Junot the detail of the Admiral's ſentiments reſpecting the Ruſſians, the negotiation would have been continued with the French only, and the Ruſſians would have been left to their fate.

But the Court will ſee, that I made another effort to effect this ſame object on the 27th; and that, in point of fact, it was effected; and that the General gave orders that the negotiation ſhould be broken off entirely, if it was not ſo underſtood.

Colonel Murray went to Liſbon on the 25th, and on the 27th, in the morning, Sir Hew Dalrymple ſent for me and Sir John Moore, and not Sir Harry Burrard, as ſtated by Sir Hew Dalrymple, to communicate to us a letter received from Colonel Murray, and another from Junot.

Colonel Murray reported, that Junot had agreed to continue the negotiation without reference to the article of the Armiſtice, relative to the Ruſſians; and that the ſuſpenſion of hoſtilities would terminate at a particular hour named, unleſs the negotiation, in which he was engaged with General Kellermann, ſhould be brought to a concluſion.

General Junot appeared, by his letter, to think that the ſuſpenſion of hoſtilities was ſtill indefinite, and to conſider the negotiation of the Military Convention as depending upon the negotiation of a Naval Convention between the Britiſh and the Ruſſian Admirals.

I recommended to the General to inſtruct, and I drew for him inſtructions to Colonel Murray, which are in the collection of papers, dated the 27th of Auguſt, which I will now read—by which he was directed to call upon General Kellermann to explain and reconcile the difference between his (Colonel Murray's) ſtatement and the General's intention, and that contained in Junot's letter to Sir Hew Dalrymple, and to break off the negotiation, and to come away within the period limited for the ſuſpenſion of hoſtilities, if this explanation ſhould not be ſatisfactory; but that, if the explanation ſhould be ſatisfactory, he was to continue the negotiations; and if further time was neceſſary to enable him to bring them to a concluſion, he was permitted to ſuſpend hoſtilities for a further period of twenty-four hours: Colonel Murray was alſo directed to inform General Kellermann that it was expected that, in future, Junot ſhould confine to the channel of Colonel Murray, any communication he had to make to Sir Hew Dalrymple.

Sir Hew Dalrymple ſays, in his Narrative, that there was but little difference between Junot's letter and Colonel Murray's. I have not got Colonel Murray's letter; but, as well as I can recollect, the difference was very material. At all events, it appears from the letter

of the 27th, that Junot's notion was inconſiſtent with the intention of the Commander of the forces; which intention was, to allow the French to have nothing to ſay to the Ruſſian negotiation; and that was what Colonel Murray was ordered to ſet right in his letter written by me.

I never ſaw the anſwer to this letter, nor do I know any thing further of the negotiation till the 29th; but, I believe, the Court will be of opinion, that if the plan detailed in that letter had been carried into execution, there would have been no occaſion for treating with the Ruſſians and the French at the ſame time.

On the 28th, that part of the army which had been originally under my command, marched to the neighbourhood of Torres Vedras, leaving General Anſtruther's and General Acland's brigades, and a part of Sir John Moore's corps, which had been landed, in the camp at Ramallah.

On the 29th, in the morning, Sir Hew Dalrymple ſent for me to Ramallah, where I went, to take into conſideration a Convention which had been agreed upon between General Kellermann and Colonel Murray, and had been ratified by General Junot, dated the 28th of Auguſt. There were preſent at head-quarters, Sir Harry Burrard, Sir John Moore, Lieutenant-General Hope, Lieutenant-General Frazer, and myſelf; and the Convention was taken into conſideration, article by article.

It was altered in many important particulars.

1ſt, The article reſpecting property was placed on a proper footing; the French were to be allowed to carry off only their military equipment; and were to reſtore property of all deſcriptions which had been taken from the churches or the inhabitants of Portugal.

2dly, The ſecurity given to the purchaſers of property from the French, was not afforded by the alterations made.

3dly, The French were to find the tranſports for their own cavalry.

4thly, The Commander of the forces engaged to uſe his good offices, inſtead of ſtipulating for indemnity for the inhabitants of Portugal in the French intereſt, during the time they ſhould remain in Portugal.

5thly, The French were required to evacuate all the forts on the right of the Tagus immediately, as far up as Belem; and Liſbon itſelf when the ſecond diviſion ſhould embark.

I was moſt anxious, and preſſed upon Sir Hew Dalrymple that they ſhould be required to evacuate Liſbon, and to croſs the Tagus forthwith, according to the plan recommended in the paper which I had given him on the 23d, in order to give us poſſeſſion of the harbour, and the uſe of the navigation of the river; becauſe, as I told him, he would not be able to conduct the ſervice, and do all that would be neceſſary to refit the army, unleſs he ſhould have a free and eaſy communication between every corps of the army and the tranſports; that this would be impoſſible, even with the poſſeſſion of Belem, if the French were to continue at Liſbon, with a circuit of three leagues; and that the navigation of the Tagus, at an early period, was neceſſary, in a view to the future operations of the army.

Sir Hew Dalrymple over-ruled this propoſition of mine, and directed, that the article might ſtand as I have above ſtated. viz. giving to the French a circuit of two leagues round Liſbon, with a league of diſtance between their poſts and ours; and to us the poſſeſſion of all the forts on the right bank of the Tagus, including Belem.

I beg that the Court will not underſtand, that this meeting of the Lieutenant Generals of the army, at Sir Hew Dalrymple's quarters, or that any of the meetings which I had with him during the courſe of theſe negotiations, were at all of the nature of councils of war. They were merely meetings of General Officers, with whom the Commander of the forces choſe to converſe on the ſubjects then under his conſideration: but whatever might be the opinion of any, or the whole of thoſe Officers, he decided for himſelf; and in this laſt meeting, on the 29th of Auguſt, he decided for himſelf upon every propoſition.

I never knew for what reaſon the improvements made in the Convention, in this meeting of the 29th of Auguſt, were not carried into execution. I returned to Torres Vedras after the meeting was concluded; head-quarters were moved there on the following day, the 30th, but I did not ſee the Commander in Chief, and I marched to

Cobral de Monte Garce, with my diviſion, on the morning of the 31ſt.

When I was near Cobral, I received a meſſage from the Commander in Chief, acquainting me, that the Convention had arrived, ſigned by General Kellermann and Colonel Murray, and deſiring to ſee me; but I was ſo far from Torres Vedras, that I conceived I ſhould not be able to arrive there in time, and I did not go; and the Court will ſee that my name is not in the liſt of thoſe Officers who were preſent at this meeting, as read by Sir Hew Dalrymple. I underſtand, however, that the Commander in Chief ratified the Convention on that day, without any of the alterations made by the meeting of General Officers on the 29th of Auguſt, and in point of fact, I never ſaw the Convention till I arrived in England.

I have now ſtated to the Court all that I had to do with the treaties, and the opinions I gave to the Commander of the forces, at different periods, while they were negotiating; and I really believe, that if a convention for the evacuation of Portugal had been concluded according to the terms which Sir Hew Dalrymple admits I recommended to him on the 23d of Auguſt, and with which he actually inſtructed Colonel Murray, on the 25th of Auguſt, the country would have been ſatisfied.

But there is one article in the Convention, particularly diſapproved of in this country, of which I approved, notwithſtanding that it is not contained in that paper which I gave to the Commander of the forces on the 23d.

It relates to the Spaniſh priſoners, who were certainly, at the time of the Convention, completely and entirely in the power of the French.

The Court will obſerve, that the principle upon which I thought that any Convention ought to be made with the French, was, that they had the military poſſeſſion of the country; and that their retreat was open to Elvas and Almeida; they had in their power to do as they pleaſed with their Spaniſh priſoners; and I conceived that they had a fair claim to be allowed for them in the negotiation. The exchange of the Frenchmen taken in Spain, not in military operations, for theſe Spaniards, appeared to me to be not an unreaſonable ar-

rangement; and it was one to which I had reaſon to believe the Junta of Gallicia, at leaſt, would not object.

The only objection which I ſaw to the article, was, that the Commander of the forces engaged to obtain the releaſe the Frenchmen, inſtead of engaging to uſe his good offices to obtain their releaſe; and he appears to have directed, that an alteration might be made in this article by his letter to Colonel Murray of the 29th of Auguſt, which I heard read to the Court.

It will be neceſſary that I ſhould call evidence to ſupport part of this ſtatement; but I will trouble the Court as little as poſſible; I have called no evidence yet; and I beg leave now to declare, that the Officers at home from the army are here on leave of abſence, either on account of their health or their private affairs; and have not been called, and are not detained by me.

Sir HEW DALRYMPLE entered into ſome explanations of his Narrative, to which the obſervations of Sir Arthur Welleſley were directed. He believed he did not ſtate poſitively, that General Kellermann had mentioned the inſertion of Sir Arthur Welleſley's name in the title of the Armiſtice. He referred to his Narrative, and it appeared only as a matter of which he had an uncertain recollection. It had appeared to him, that Sir Arthur Welleſley was the perſon who ought to ſign the Armiſtice, as Sir Harry Burrard did not command any diviſion, and took the leaſt active part in the arrangement. With reſpect to the Ruſſian part of the queſtion, it was impoſſible for him to recollect every converſation which had taken place on that ſubject. It was probable that when Sir Harry Burrard arrived, he would aſſiſt him, and ſupply his recollection where it was deficient. But a circumſtance which occurred at the period this queſtion was diſcuſſed with General Kellermann, left a ſtrong impreſſion on his mind. When he had ſeen Sir Charles Cotton off the Tagus, on his arrival from Gibraltar, he was informed by him that he had received much information from a Frenchman in Liſbon, of the name of Calmis. On mention of this name, he was convinced that he had heard it frequently before, and indeed knew a French officer ſo called. When, therefore, General Kellermann brought with

him a perſon of that name, he viewed him very cloſely, but could not recollect his features and perſon. Sir Arthur Wellesley and General Kellermann being engaged in a diſcuſſion about the Ruſſian ſquadron, this Calmis beckoned him to the window, repeating, like the ſtarling, the following expreſſions of Kellermann, *vingt-quatre heures, dix mille Ruſſes* (twenty-four hours, ten thouſand Ruſſians). At the window he told me in bad Engliſh he knew me well, that I did not ſpeak French, to which I replied that I knew as much as I wanted. He added, as in a confidential way, Take great care not to offend the Ruſſians, they love the Engliſh better than the French. He (Sir Hew) mentioned this circumſtance only to ſhew in what manner the negotiation was carried on. At all events he preſumed that the letter of Sir Arthur Wellesley to the Biſhop of Oporto would throw a light on his view of the ſtipulation which affected the Ruſſian ſquadron. He did not know the contents of that letter, but that ſuch an one exiſted he was convinced, from having in his poſſeſſion the anſwer of the Biſhop, acknowledging the receipt, and which came to his (Sir Hew's) hands, by being directed to the Commander of the Britiſh army. There were documents in the poſſeſſion of Government, but which were not produced, that would prove the character which the government of Oporto had aſſumed. They would alſo prove, that ſuch an aſſumption of authority was admitted by a credential agent from this country, proviſionally with his (Sir Hew's) aſſent. That aſſent he uniformly refuſed, and to that refuſal he attributed the hoſtility and obloquy with which he had been aſſailed from that quarter.

Sir ARTHUR WELLESLEY could not take upon himſelf to ſay, whether he had ever written ſuch a letter or not. He was ſure he had no copy of it. He had ſeen a letter, purporting to be written by him to the Biſhop of Oporto, in the newſpapers (vehicles of information which appeared to know every thing concerning him). But even in that letter, if written by him, the paſſage of "nothing remarkable in the Convention," muſt apply ſolely to the Portugueſe intereſts, and not to thoſe of any other power.

In anſwer to a queſtion from the PRESIDENT, Sir Hew

Dalrymple ſtated, that he had not received, previous to his departure from Liſbon, any return of the ſtate of the garriſons and forts on the Tagus. Fourteen hundred French troops had arrived, after evacuating Elvas, the day he left Portugal.

He then received a number of written queſtions from the Court, to which he was to affix his anſwers.

Sir ARTHUR WELLESLEY gave in a paper containing the alterations which he propoſed, in the Convention, but which were not acceded to by Sir Hew Dalrymple.

Captain BLIGH, of the Navy, examined:—Was employed in aſſiſting the landing and movements of the Britiſh army, under the command of Sir Arthur Wellefley, during the months of Auguſt and September laſt.—The difficulties of landing on that coaſt from the Tagus to Oporto were at all times very great, from the heavy ſurf, but particularly during the time he aſſiſted in landing the army under the command of Sir Arthur Wellefley. Between Mondego Bay and the Tagus there are not any bays or promontories where tranſports could ride in ſafety in boiſterous weather. Boats of the country, obtained at Mondego Bay, could be carried to the ſouthward certainly; but does not believe that they would be of any uſe there. To the beſt of his recollection, on the 25th of Auguſt laſt there was ſuch a great ſurf off the beach as would have prevented the landing proviſions or heavy artillery from the boats.

Earl MOIRA—State your opinion of two or three days previous to the 25th.—For the three days after the 21ſt, proviſions or ſtores could have been landed; after that time the ſea roſe ſo much that it was attended with extreme danger and riſk.

Sir ARTHUR WELLESLEY declined to queſtion this witneſs.

Sir HEW DALRYMPLE—What ſhelter the Mondego river affords to ſhips of greater draught of water than eleven feet? and how are they ſheltered from the winds?—Cape Mondego affords ſhelter from the north winds, but the roads are open to the ſouth-weſt, the moſt dangerous wind that blows on that coaſt.

General FERGUSON was called in. The PRESIDENT handed to him a number of queſtions, which when he had read, he would ſay whether he preferred giving an

oral or written anſwer. The witneſs anſwered, that, from the nature of the queſtions, he wiſhed to conſider them, and would prefer affixing written anſwers.

The Court adjourned at half paſt two, till ten o'clock on

Thurſday, November 24.

The JUDGE ADVOCATE communicated to the Court, that in conſequence of ſome obſervations, which on a former day had fallen from Sir Hew Dalrymple, relative to a ſuppoſed letter, written after the concluſion of the Armiſtice, to the Biſhop of Oporto, by Sir Arthur Wellesley, he (the Judge Advocate) had conceived it his duty to make an application to the office of the Secretary of State, in order to aſcertain whether there was any copy of ſuch document. The reſult was, that no ſuch letter exiſted there.

Sir HEW DALRYMPLE ſtated, in explanation, that his object, in alluding to this ſuppoſed letter, was to prove, from the tenour of that communication, and from the anſwer, that the Biſhop of Oporto had a different opinion of the Armiſtice, on the 24th September, to that which he ſubſequently expreſſed on the 28th.

The JUDGE ADVOCATE read the anſwer of Sir Arthur Wellesley to the Narrative of Sir Hew Dalrymple.

Sir ARTHUR WELLESLEY ſignified his intention to examine Colonel Torrens, Captain Malcolm, and Colonel Tucker.

Colonel TORRENS examined by Sir Arthur Wellesley:—Recollects that at daylight, on the morning of the 23d, Sir Arthur Wellesley mentioned to witneſs the occurrences of the evening before, and ſaid, he had ſigned the Armiſtice, by deſire of Sir Hew Dalrymple, although he totally diſapproved of many points in it, and of the tone of language in which it was drawn up.

Sir Arthur ſtated, that he diſapproved of the article that provided for the neutrality of the Ruſſians, and of the forty-eight hours ſuſpenſion granted to the enemy, from the termination of the Armiſtice, before hoſtilities ſhould recommence.

Recollects that Sir Arthur Wellesley did express, after he had a meeting with the Commander of the forces, on his landing at Marceira, his regret, that it was apparent he had not the confidence of the Commander of the forces, or words to that effect.

Sir Arthur Wellesley told witness, that on the landing of Sir Hew Dalrymple, he had gone to him to represent the necessity of the army advancing, at the same time stating his reasons for thinking such advance necessary. That Sir Hew Dalrymple's reply was, that he had but just arrived, and was consequently unable to form any judgment on the matter. Upon which an Officer of the Staff spoke apart to Sir Hew Dalrymple, and then followed Sir Arthur Wellesley, and told him, that it was the desire of the Commander of the forces, that he should make preparations for the march of the army, and give what orders he thought necessary for it. That Officer of the Staff was Colonel Murray. Certainly did understand from Sir Arthur Wellesley that Colonel Murray had urged the necessity of an advance, to the Commander of the forces, in consequence of having had a conference with Colonel Murray, on the subject; but witness cannot recall to his recollection, whether or not Sir Arthur Wellesley told him he had this conference with Colonel Murray, after he had urged the matter to the Commander of the forces.

Sir HEW DALRYMPLE declining to put any questions to Colonel Torrens,

Captain MALCOLM, of the Donegal, was examined by Sir Arthur Wellesley:—Recollects Sir Arthur Wellesley's interview with the Commander in Chief, on the morning of the 25th of August; recollects his having recommended to the Commander in Chief to announce to General Junot the termination of the suspension of hostilities, in forty-eight hours, without reference to the detail which he had received of the sentiments of the Admiral, respecting the article of the Armistice which regarded the Russians; leaving General Junot to renew the negotiation, if he thought proper. On witness going into the room, Sir Hew Dalrymple informed Sir Arthur Wellesley that the Admiral would not agree to that part of the Armistice regarding the Russian fleet. Sir Arthur replied, that he thought as

much. Sir Hew then asked Sir Arthur Wellesley what steps he thought it most advisable to take. Sir Arthur thought it would be best to inform Junot, in general terms, that the Admiral disapproved of the Armistice, as he, Sir Arthur, saw no necessity for pointing out the particular article to which he objected. Sir Arthur Wellesley also proposed that General Junot should be told that the suspension should be at an end in forty-eight hours, leaving it to him to say whether it should be renewed or not.

Sir HEW DALRYMPLE did not wish to put any questions to Captain Malcolm.

Sir HEW DALRYMPLE next produced the paper of interrogatories, which on the last day he had received from the Board for the purpose of affixing written answers. The answers were, for the most part, anticipated in the narrative of his proceedings from the time when he took the command of the British army in Portugal, and went to establish the following facts:— That on his landing on the 22d, at Marceira, he repaired to the quarters of Sir Harry Burrard, and fixed the head-quarters in the same house. That he had passed the day in conversation with that officer, principally upon the details of the action of the day before, which that officer had witnessed. He did not receive any reports from him of the state of the artillery or commissariat, nor of the supposed strength of the French garrisons in the various forts of the Tagus, or in the vicinity of Lisbon. He was told of the debilitated state of the horses attached to the brigades of artillery; but he at first supposed their exhausted condition arose from fatigue, and not from their total unfitness for the service from the beginning. He also learned, that there was a scarcity of military stores, and that the army depended upon the victuallers for supplies, and the victuallers upon the weather. When he saw Sir Arthur, in the course of the same day, that officer gave him, as far as he could recollect, no new information. An advance of the army was recommended by Sir Arthur, to take place in the morning. In the mean time, General Kellermann arrived at the out-posts. He sent Colonel Walker of the 50th regiment to bring him in. He believed that Kellermann produced his full powers to treat. Sir Hew called in

Sir Harry Burrard and Sir Arthur Wellesley, to assist in the negotiation. Sir Harry did not appear to take an active part; but Sir Arthur did; and most cordially concurred in the propriety of treating for the evacuation of Portugal by the French. The discussion of the Treaty was short. The benefits to be derived, and the difficulties to be avoided, by agreeing to the Convention, were detailed at length. His reason for acceding to an unlimited suspension of hostilities was, that in the mean time the army under Sir John Moore should effect its debarkation, an object he had very much at heart. When the articles of the Armistice were arranged, he certainly did get up to sign it, but he trusted the Court would do him the justice to believe, that he would not sign without previously reading, and convincing himself, that the document accorded with the agreement. When subsequently the Convention, as agreed upon by Colonel Murray and General Kellermann, was sent for ratification, he did assemble the Lieutenant-Generals of the army, but not to constitute a Council of War. He did not think the case required that measure, although he was always anxious to render the abilities and knowledge of such excellent officers subservient to the great interests of their country in exigent cases, but particularly in the arduous and unexpected situation in which he was. By acting so, he never fancied that he was not subject to the sole responsibility, nor was he inclined to give up his own conviction, by a servile submission to the opinions of others. He described the particular movements of the army, from the 22d of August to the 5th of September. The country from Torres Vedras to Lisbon, in the road which he marched, was open, but the heights were difficult of ascent, particularly for ordnance, and therefore made it necessary to have strong horses. It was so open that every movement of cavalry was discernible, and cavalry could consequently fully act. The garrison of Elvas and its dependencies consisted of 1400 men. He had received no returns of the garrisons in the other forts. The situation of the Castle of Lisbon is commanding, but the old works were of no great strength; the new were constructed by the French, and were directed against the town itself. Lisbon was, he understood, well supplied with provisions. The con-

tractor who provided for the French, had, previous to Sir Hew's departure from Lisbon, contracted to supply the British army on its march towards the Spanish frontier; and the contractor did not apprehend any impediment to exist against the fulfilment of his contract.

The Earl of MOIRA then put several questions to Sir Hew Dalrymple, explanatory of the answers he had given to the written interrogatories.

Sir ARTHUR WELLESLEY asked permission to put the following questions to Sir Hew Dalrymple, which was granted.

Did you ever communicate to me the contents of the Secretary of State's letter to you, relative to me, which you read to the Board?—Certainly not.

What were the lines of communications and positions left in the hands of the enemy, in consequence of my adoption of the line of advance to Lisbon by the sea-coast?—Of this *great measure* I had formed my opinion before I landed in Portugal; and, consequently, the members of this Court, who are much better judges than I am, may well know what degree of weight is attached to the observation.

Do you recollect my giving you any statement on the 23d instant, relative to the memorandum I gave Lieutenant-Colonel Murray?—I refer to my former answer. I do not recollect that you did; but I know Lieutenant-Colonel Murray got the memorandum from you. If you are anxious, I will admit I did receive the statement from you, although my memory does not tell me I did.

Do you recollect the proposition made by General Kellermann, on negotiating the Armistice, respecting the Russian fleet being allowed to return to the Baltic?—I cannot say that I remember such a proposition being made by General Kellermann, on negotiating the Armistice, but I am sure it was not strongly urged, or long discussed, for if it had, it would have made an impression on my memory.

Major-General FERGUSON was then called in, and read his replies to the questions proposed to him on Tuesday, and which were repeated by the Judge-Advocate. They were to the following effect:—

Have you a general knowledge of the situation of the

Britiſh army, and of the means by which it could have been ſupplied, in advancing by the coaſt, to any further operations; as alſo of the ſtrength and ſituation of the enemy oppoſed to it?—My duty confined me to my brigade, and my obſervations therefore were very limited. With reſpect to ſupplies, I had found them regular. My men had three or four days proviſion of biſcuit in their knapſacks, and there were three days more proviſions for them on mules. Reſpecting the country I can only ſay, that the part which the Britiſh occupied poſſeſſed few reſources for forage. I had no opportunity of accurately aſcertaining the ſtrength of the enemy. They appeared to me to be about 14,000 men. After the action at Vimiera they retired in great diſorder.

Does not know the ſtrength of the enemy in the forts of the Tagus.

Does not know their ſtrength in the other forts, what ſtrong poſitions they had in their power, and what it was likely they had the intention of occupying; it is impoſſible for him to conjecture what was intended by the French.

Never had an opportunity of minutely examining the caſtle of Liſbon; but as far as he could judge, it did not ſeem capable of making any formidable reſiſtance.

Had the French been maſters of Liſbon, and had they been aſſiſted by the Ruſſians, the Britiſh could not have prevented them from croſſing the river.

Has no reaſon to think that a French army would have acted differently from any other army, under ſimilar circumſtances.

Any city muſt ſuffer from a ſiege. Does not ſee why Liſbon is more open to injury than every other place.

If Liſbon had been beſieged, much property muſt certainly have been deſtroyed.

The Convention relieved Portugal from the French troops; and ſet at liberty a large diſpoſable Britiſh force. After the ſurrender of Du Pont, cannot imagine that the Spaniards had any apprehenſion of the French army in Portugal.

The enemy in Portugal were moſt completely diſheartened by their defeat in the field. The artillery poſſeſſed by the Britiſh army were nine-pounders. They

were not in general capable of making an impreſſion on fortifications.

Had Sir John Moore's army been at Cintra, in his opinion the retreat of the French to Almeida would have been entirely cut off.

Sir HEW DALRYMPLE was again examined by the Court.—On the 4th of September firſt tranſmitted the Definitive Treaty. Only ſent a copy of it in French: it was diſcuſſed and executed in French.

Major-General SPENCER was then called. The Preſident handed him ſeveral written interrogatories, which he read, and informed the Court he would give in written anſwers to them.

The DEPUTY JUDGE ADVOCATE read a general report of the ſtate of Fort St. Julien and the adjacent forts, dated 28th Sept. 1808.

The Court adjourned at a quarter paſt three o'clock, until ten o'clock on the morning of

Saturday, November 26.

Brigadier-General ACLAND was firſt called in. A number of queſtions had been previouſly prepared and handed to him, and he now came forward with the anſwers ready in writing. The queſtions were in a great meaſure ſimilar to thoſe put to Major-General Ferguſon. He ſtated that he joined Sir Arthur Wellesley's army on the morning of the 21ſt. Had no great knowledge of the ſituation of the country, having only landed with his brigade that morning, but believed the reſources of the country were few. Did not know the ſtate of the forts on the Tagus, nor of thoſe in the neighbourhood of Liſbon, though he underſtood the poſition of Liſbon to be ſtrong. Of the ſtrength of the caſtle could not ſpeak, never having examined it.

Suppoſing the French to have been driven back to Liſbon, believed they could not, with the aſſiſtance which they might derive from the crews of the Ruſſian ſhips and boats, have been prevented from croſſing the Tagus, and effecting their retreat to Elvas and Almeida. —Believes the French, ſituated as they were in their poſition of Torres Vedras, would not have conſented to

lay down their arms as priſoners of war. Believes they would not have ſubmitted to that alternative, even if forced back to Liſbon by the operations of the Britiſh army. Suppoſing the caſe to have been reverſed, and the Britiſh placed in a ſimilar ſituation to that in which the French were, is certain the Britiſh would not have ſubmitted to ſuch terms. Does not think, from the character of the French General and his army, that they were determined not to ſurrender.

Liſbon, he continued, muſt have ſuffered both in the perſons and properties of its inhabitants, from the operations which the Britiſh army, jealous of its honour, muſt have carried on. The advantages of the Convention were—That it delivered Portugal from the oppreſſion of a French army—put an end to the ravages of war—allowed the ſtore-ſhips, which might not have been ſafe off the coaſt, to enter the river—and releaſed 4000 Spaniſh troops. It allowed the Britiſh army to enter Spain, and ſent the French force to a port of France remote from the Spaniſh frontier. He was not prepared to ſay if any other meaſure could have produced theſe advantages, but they were ſecured by the Convention. The French were completely diſheartened by the defeat of the 21ſt of Auguſt. The artillery of the largeſt calibre were nine pounders, which were not adequate to attack the garriſons or forts on the Tagus. There was no heavy artillery ſubſequently brought up. Did not believe that the poſition of Santarem, occupied by the army under Sir John Moore, would have prevented the retreat of the enemy.

Major-General SPENCER examined:—He joined Sir Arthur Welleſley on the 5th of Auguſt, and was with him in the battle of the 21ſt. Had not particularly noticed the general defence about Liſbon, but knew that the poſitions there, and the forts of the Tagus, were ſtrong. Of the caſtle of Liſbon could ſpeak with particular confidence, having examined it. Agreed with Brigadier-General Acland, that the French would not have conſented, either in their poſition of Torres Vedras, nor even if forced back to Liſbon, to ſurrender priſoners of war. Had no reaſon to ſuppoſe that the conduct of the French commander and his army would not, with reſpect to Liſbon and its inhabitants, be influenced by

the ſame conſideration which would have actuated other commanders and armies, in ſimilar ſituations. Alſo agreed with the ſame officer as to the advantages obtained by the Convention, which, whether they might or might not have been gained otherwiſe, were advantages which had, unqueſtionably, reſulted, either directly or conſequently, from the treaty concluded with the French General. Could not take upon him to ſay, whether equal advantages might have been obtained independent of the Convention, the reſults of military operations being neceſſarily uncertain. The immediate conſequence of the Convention, however, was to relieve the Britiſh army ſerving in Portugal, and to render it diſpoſable for the ſervice of the Spaniards, while the French were to be landed in a territory remote from the Spaniſh frontier. The nature of the country would not allow of heavy artillery being brought up. Nine-pounders, which was the largeſt calibre they had along with them, could make no impreſſion on the fort of St. Julien. The Tagus being fordable a little above Santarem, believed that the occupation of that poſition by Sir John Moore's army would have materially interrupted, though it could not have completely prevented the retreat of the enemy by Elvas. Had ſerved in the campaign in Egypt in 1801, and conſidered the Conventions by which the French evacuated Alexandria and Cairo ſimilar to the Convention of Cintra. At the time of the Convention for the ſurrender of Alexandria, it could not have held out for more than four days. The country was in full poſſeſſion of the Britiſh and Turks, which was not the caſe with Portugal at the period of concluding the Convention of Cintra. The terms, in the former caſe, however, were as favourable, all attendant circumſtances conſidered, as in the latter. They were ſimilar in all material points—men, baggage, artillery, ammunition, &c.

In anſwer to Sir Arthur Welleſley.—The Alfred, a 74-gun ſhip, was ordered, at Sir Arthur Welleſley's wiſh, for the expreſs purpoſe of ſupplying the army with whatever heavy ordnance the Commander in Chief might require. Was aware, that before the army was in a ſituation to attack Peniche, or any other fortified place, the ordnance ſtoreſhip loaded with ammuni-

tion, with twenty-four pounders, with heavy mortars, and with ſtores for them, had joined the fleet in charge of the Alfred a long time before it could have been required.

Earl MOIRA aſked Sir Arthur Welleſley—Had you any artillery mounted on travelling carriages in the ordnance ſtoreſhip?—There were mortars, but no heavy artillery.

Brigadier-General NIGHTINGALE, without any material difference, corroborated the ſtatement of the other General Officers who preceded him; adding, that the Britiſh army could not have enſured ſafety to the inhabitants of Liſbon, had the Convention not been agreed to. He ſo far differed, however, from the other officers who had been examined to-day, as to declare it to be his opinion, that Sir John Moore might, in the poſition mentioned, have prevented the retreat of the French to Elvas.

Captain PREVAL, *of the Engineers, examined.*

He ſtated that Liſbon was better defended by its ſtrong poſitions than by its works; it was open on almoſt every ſide. There were new works conſtructed by the French, but they were directed againſt the town, or for the protection of the ſhips in the river. He had not, however, had time to examine them. The fort of St. Julien was ſtrong againſt a regular ſiege, for which much time would have been required; but a breach might, in his opinion, have been effected in about a week, and the place carried by ſtorm; for which ſervice there would have been wanting twelve pieces of heavy artillery, two mortars, and two howitzers. The fort of Caſcaes was leſs defenſible by land. Of Peniche he had no accurate knowledge, but conſidered it very ſtrong both by land and ſea.

Sir ARTHUR WELLESLEY obſerved, that it was his wiſh to put queſtions to Captain Preval, reſpecting ſome converſation he had with French officers; but as other officers had not arrived, he did not conceive the preſent the proper time.

Lord MOIRA.—It is beſt to poſtpone any examination which could, even by implication, affect Sir Harry Burrard.

Sir HEW DALRYMPLE, in anſwer to a queſtion from

Earl Moira, ſtated, that had there been any heavy artillery or travelling carriages landed at Mondego, they could not be brought forward to the army.

Earl MOIRA next queſtioned Sir Arthur Wellesley: Had there been artillery with travelling carriages, they could not have been brought forward with the army from Mondego.—The roads throughout Portugal are very bad and very narrow; ſhould think that it would have been very difficult to bring forward heavy artillery or travelling carriages, even by the employment of a large quantity of horſes to draw them; but the Court would be aware, from his Narrative, and from the anſwers given to queſtions before put, that there were horſes with the army only in ſufficient numbers to draw the field train.

Lieutenant-Colonel TORRENS was examined by Sir Arthur Wellesley, relative to his delivering to Sir Hew Dalrymple the copy of the Memorandum of Inſtructions, written by Sir Arthur Wellesley, and delivered to General Murray, for his conduct in concluding the Convention, which Sir Hew Dalrymple admitted the receipt of on the laſt ſitting.

Sir HEW DALRYMPLE aſked Lieutenant-Colonel Torrens if he recollected when Brigadier-General Charles Stewart joined the army?

He anſwered, on the evening of the 23d or 24th of Auguſt.

The PRESIDENT ſtated, that the Court was adjourned until the arrival of Sir Harry Burrard, who was expected daily, nay, hourly; but that when he did arrive, it would be neceſſary that he ſhould have ſome time to prepare his narrative.

The Court adjourned at a quarter paſt twelve o'clock to

Tueſday, December 6.

The Court reſumed its functions at the accuſtomed hour, and ſat a very ſhort time. Neither Sir Harry Burrard, nor any of the other Generals, whoſe conduct is the ſubject of enquiry, attended.

Adjourned to

Tuesday, December 13.

The proceedings commenced by the reading of a letter from Sir Hew Dalrymple to Sir Charles Cotton, in which the operations of the British army during the battle of Vimiera were described, together with the subsequent Armistice and Convention.

Sir ARTHUR WELLESLEY then came forward, and read as follows:

"*General Sir David Dundas,*

"*My Lords and Gentlemen,*

"Having been out of town, at Brighton, I did not receive till my return yesterday afternoon, the letter of the Judge Advocate General, of the 10th of December, in which the Court have called upon me for a Narrative of all my proceedings, from the time I saw Lieutenant-General Sir Harry Burrard on the 20th of August, till the morning of the 22d, when Lieutenant-General Sir Hew Dalrymple arrived; and an account of the several interviews I had with, and the reports I made to Lieutenant-General Sir Harry Burrard in that interval.

"I beg leave to inform the Court, that if the time which by accident has been allowed me to draw up this Narrative, had been longer, I should have asked their permission to decline to make it in the present state of their proceedings. I am perfectly ready to answer verbally, or in writing, any question which the Court may put to me, and to give them every information in my power; but Lieutenant-General Sir Harry Burrard was my Commanding Officer; and it rests with him to give such a narrative as he may think proper of all the circumstances which occurred during the period before referred to, and I have no doubt whatever that it will be perfectly correct.

"I may possibly feel it necessary afterwards, to address observations to the Court, and to call certain witnesses before them; for which I shall hope for their indulgence."

Sir HARRY BURRARD then read a Narrative, the purport of which was as follows:

"*Mr. President, and my Lords and Gentlemen,*

"In obedience to your commands, I attend the Board of Enquiry this day, and I have now the honour of submitting to your consideration a narrative of my pro-

ceedings and conduct, with respect to His Majesty's arms in Portugal. On the 15th of July, I received a notification from Lieutenant-Colonel Gordon, that I was to be employed, as second in command, in an expedition, determined on by His Majesty's Government, and begging that I would immediately wait on Lord Castlereagh. I waited on his Lordship accordingly, and understood the expedition was destined to act in Spain or Portugal, as circumstances should require. On the 20th, I received a notification from the Commander in Chief, that His Majesty had been graciously pleased to appoint me second in command under Sir Hew Dalrymple, and with that notification I received a copy of my instructions, a list of the staff, and the amount of the army to be employed. On the 23d, I received my final orders from Lord Castlereagh; on the 27th I embarked at Portsmouth; and on the 31st sailed from that port, it having previously been stated to me, by the Under Secretary of State, that Government was extremely impatient for my sailing. The letter of the Under Secretary of State also informed me, that the cavalry was that day embarking in the river, and advised me, if the artillery were not embarked at the period of receiving the letter, to sail without it. I also received a letter, previous to my leaving Portsmouth, from Lord Castlereagh, intimating a wish, before I proceeded to the south of Portugal, that I should touch at Oporto, or send some confidential agent there to collect what information I could upon the matters connected with the service.

"In consequence of the unfavourable state of the weather, the Audacious, in which I sailed, was kept beating about the Channel; but on the 16th of August we arrived off Cape Finisterre, when I shifted my staff from the Audacious to the Brazen sloop of war. On the following day I arrived at Oporto, where I learned that Sir Arthur Wellesley, after having being reinforced by General Spencer's division, had landed at Mondego Bay. I proceeded immediately on my voyage, and arrived at Mondego Bay on the 18th. It was my intention to have disembarked at that place, and to have sent Sir John Moore to the Tagus with his division, with a view to take the enemy in the rear; but I found a variety of obstacles

in the way. In the first place, Sir Arthur Wellesley had swept the country of every species of conveyance; and though the people were disposed to assist the British arms, they had not the ability. Carriages we could find none, the streams were all dry, and with respect to provisions, we should have been in a very precarious state. I made all possible enquiries after the 150 mules, promised by the Bishop of Oporto, but none had arrived, nor could any account of them be gained. It would have been equally imprudent, at that time, to have landed part of the reinforcements; for had Sir John Moore's brigade been disembarked, it would have taken time to equip that brigade, with a view of marching into the interior, and would besides have placed the columns at such a distance, that a want of co-operation must necessarily have been felt. I therefore resolved on proceeding to some other point of debarkation. On the 19th, at night, we spoke a dispatch-boat, which informed us that Sir Arthur Wellesley had had a smart action with the enemy on the 17th, and had sustained some loss, but not adequate to that of the enemy. Having no cause to doubt the truth of this information, I directed Sir John Moore to return and land at Mondego Bay, in order that he might be enabled to support Sir Arthur Wellesley, should he be obliged to fall back, or to assist him to prosecute further advantages. By the same boat, I gained information that Peniche was in the hands of the enemy, and that it would be impracticable to land with safety south of that fort. [Sir Harry Burrard then described the order in which he proposed landing his troops.] On the 20th, when I was about to disembark, Sir Arthur Wellesley came off from the shore; and, when on board, in presence of Brigadier-General Clinton, and others of the Staff, told me of the action of the 17th, and said it was his intention to advance the next morning. I was of opinion that it was not expedient to adopt that intention, especially as he had communicated to me the difficulties the army laboured under, from the want of cavalry and artillery horses, and the impracticability of moving the army to any considerable distance from the victualling ships. The decision I came to, namely, that the army should halt, was a serious one, but, in my mind, amply justified by

the conſiderations oppoſed to its advance. The enemy greatly out-numbered the Britiſh in cavalry, and the nearer they approached the defences ſurrounding Liſbon, the nearer were they to their reſources. In ſuch a ſtate of things, had the Britiſh army received a check, the diſaſters might have been incalculable. I therefore thought it moſt proper to deſiſt from an advance till a junction was formed with the remaining part of the Britiſh army.—[Here Sir Harry Burrard deſcribed the relative ſtrength of the ſeveral forts on the Tagus, and inferred, that while the Britiſh troops were engaged in reducing theſe forts, the enemy might have fought them under great advantage; and further, had Sir Charles Cotton been compelled to put to ſea with his fleet, the impreſſion upon the forts could have been very trifling, as the army had no heavy artillery or battering ammunition. The ſurf too might have cut off the proviſions.]—Under all theſe circumſtances, as I have before ſtated, I thought it prudent the army ſhould halt, and I felt great ſatisfaction that my brother officers, whoſe talents and experience were unqueſtionable, concurred with me in the propriety of that opinion. On the morning of the 21ſt I landed, and preſently heard a firing towards Vimiera. I was convinced the enemy had foreſtalled the neceſſity of the advance of the Britiſh army, by commencing an attack themſelves. I underſtood that Sir Arthur Welleſley was on the left of the army, and I ſhortly after joined him on the heights. I had a few words of explanation with him, and I had ſuch reaſon to be ſatisfied with the diſpoſitions he had made, that I directed him to go on, and complete the buſineſs he had ſo ſucceſsfully and ſo happily begun. By thus directing him to proceed, I imagined I was exerciſing one of the functions of a Commander in Chief, and I held myſelf reſponſible for the iſſue. Soon after the French gave way, and, in leſs than two hours, they were every where repulſed. At this moment I was informed that no advantage could be expected from the Portugueſe cavalry; and on Sir Arthur Welleſley's ſuggeſting the propriety of the troops advancing, I anſwered, that I ſaw no reaſon for changing my firſt opinion, and that it was better the army ſhould wait the arrival of reinforcements. During the engagement, I had obſerved the inability of

the artillery horſes, and a want of celerity in their movements. I alſo noticed large bodies of the enemy's cavalry moving in different directions, and to the left a body of infantry, which had not been engaged. Theſe, and other circumſtances, formed my determination, and Generals Murray and Clinton ſaid I had well determined. It alſo appeared to me that the enemy's plan of attack was ill adviſed and ill ſupported. Had we been more advanced, we ſhould have been more expoſed. I therefore thought it better to halt and refreſh the men, and to get the wounded on board the ſhips.—General Acland's brigade had been up all night, and the reſt of the army was under arms before daylight. Of theſe diſadvantages the enemy might have profited had we advanced, as they knew the country, and were in poſſeſſion of its reſources; but the principal reaſons were what I have already ſtated, and the neceſſity of getting the wounded off the field of battle. On the 22d Sir Arthur Welleſley came to me from Peniche, and informed me that Sir Hew Dalrymple had arrived. I went to the out-poſts, and found the French General Kellermann advancing with a flag of truce; and of the tranſactions ſubſequent thereto, the Court, I preſume, is already in poſſeſſion."

Sir HARRY BURRARD examined.—(The queſtions and anſwers were in writing.)—Sir Arthur Welleſley had informed him that the army was in good condition, except as to cavalry, artillery, &c. Had no meſſage from Sir Arthur Welleſley during the night of the 20th of Auguſt. Sir Arthur Welleſley on the 21ſt propoſed to him to advance, and he had anſwered as before. The French had as many of their troops in battle as were diſpoſable. It was difficult to aſcertain their exact number, but ſuppoſed they might be from 16 to 17,000 ſtrong, including cavalry. Before the arrival of Sir Hew Dalrymple, knew the ſtate of the army only generally. Underſtood that there was a deficiency of ammunition, cavalry, artillery, and of horſes for the Commiſſariat. As to the quantity or the quality of the proviſions, was not diſtinctly informed. The enemy was in force at Torres Vedras, and from Torres Vedras to Mafra was the ſtrongeſt paſs he had ever ſeen. When Sir Hew

Dalrymple arrived, ſtated to him his reaſons for not advancing.

In anſwer to a queſtion from Lord MOIRA :—Thought the troops required refreſhment. The French troops muſt have been under arms much earlier than the Engliſh, as they marched to the attack.

Sir HEW DALRYMPLE declined putting any queſtion to Sir Harry Burrard.

Sir HARRY BURRARD queſtioned by Sir Arthur Welleſley.—Did hear that it was the ſtanding order in the army while under Sir Arthur Welleſley's command, that the troops, when ordered to march, ſhould cook a day's proviſions. The troops, therefore, being ordered to march on the 21ſt, would have in their haverſacks during the action of the 21ſt, the proviſions for that day. Sir Arthur Welleſley ſtated, on the 20th, that he intended to march on the following morning, and probably that he had ordered the army to advance. Does remember that Sir Arthur Welleſley ſaid ſomething to him on the ſubject of a purſuit; but if he recollects, it was to purſue on the left, where the ground was open, and the enemy would have had a great advantage from their ſuperiority in point of cavalry—General Ferguſon's brigade was then much advanced. Recollects that the ground in front of the poſition of Generals Fane and Anſtruther's brigades was bounded by a hill covered with pine-trees, to which the right flank of thoſe brigades would have been expoſed if they had purſued that part of the enemy's army which had been engaged with them and defeated by them. Was informed that Generals Fane and Anſtruther were not to follow the enemy, and that the order had been given them before they were engaged.—Whether Sir Arthur Welleſley or ſomebody elſe told him, does not know. Does recollect that the plan, according to which Sir Arthur Welleſley propoſed to him to purſue the enemy, and follow up the advantages, was to move the brigades on the right, namely, thoſe of Generals Hill, Fane, and Anſtruther, upon Torres Vedras, by the high road. Does not remember that it was part of the plan to follow the beaten enemy with the other five brigades, and the Portugueſe troops. Did conſider the marching to Torres Vedras, and the purſuit of the enemy with the left, as one and the ſame plan.

Saw a corps of General Ferguſon's brigade too far advanced and in a run, and ordered it to halt.

In anſwer to Lord MOIRA:—General Ferguſon was ſo far advanced that the corps was in danger of being expoſed to the enemy's cavalry, before other troops came up to his aſſiſtance.

In anſwer to Sir ARTHUR WELLESLEY:—Thinks the attack on the 71ſt and 82d regiments was the laſt of the action, and after that it was, that he decided that the enemy ſhould not be purſued. Believes that the 36th and the 40th regiments were in the ſame brigade as the 71ſt, and on the ſame ground, and this brigade was ſupported by the 29th, and again in the rear by the brigades of Generals Bowes and Acton, all in columns of brigades, throughout the action; and at the cloſe of the action, by that of General Craufurd; but cannot exactly ſpeak to the poſition of the Portugueſe troops, on the left.

Queſtion to Sir Harry Burrard, by the COURT.—Was the high road to Torres Vedras on the right nearer than that which muſt have been taken by the enemy who had been engaged on the left?

A. I cannot anſwer that queſtion at preſent: the map now ſhewn to me gives a different idea of it from what I had in viewing the ground.

The ſame queſtion to Sir Arthur Welleſley—I think it was. The enemy muſt have gone round by Toledo to Torres Vedras, while our right could have marched by the direct road from Vimiera.

COURT to Sir Arthur.—Had our troops followed up their firſt ſucceſs, could the left wing have been employed to purſue thoſe troops which had been engaged with our right?—The enemy's left, which was engaged on our right, retired by a road which leads along the heights towards Lourinha, thereby increaſing their diſtance from Torres Vedras, on a different ſide of the valley from that on which our left ſtood, and began to retire at much about the ſame time that the attack began with our left wing; conſequently the left could not have been immediately employed to purſue thoſe troops which had been engaged with our right. Thoſe troops, I believe, continued in confuſion, in the woods which were on their ſide of the valley, during a conſiderable

part of the day ; and this confuſion was conſiderably increaſed, and its duration lengthened, by the attack made by our cavalry. Had we advanced at that moment, there was great probability of their being completely routed.

Queſtion by General NICOLS.—Was there, in your opinion, a probability of intercepting any part of the enemy's forces, if our troops had advanced ?—I certainly think, that if the left wing had followed up its advantages as I propoſed, not only many would have been taken belonging to the left wing of the French army, but likewiſe belonging to the right, and that the whole of it was in ſuch confuſion, that, giving them full credit for great facility and diſcipline in forming, after having been broken, it would have been very difficult, if not impoſſible, for them to have formed again on the 21ſt. When the enemy were beaten on the left, went to Sir Harry Burrard, and propoſed to him to purſue them. Did not do this in the way of renewing the diſcuſſion which he had had with him in the Brazen, on the preceding evening, but from a conſideration of the advantages our troops had gained. Told him that this was his time to advance ; that he ought to move the right wing to Torres Vedras, and purſue the beaten enemy on the left—that we had twelve days' proviſions, and plenty of ammunition to advance in purſuit without inconvenience. But Sir Harry Burrard thought differently for the ſame reaſons he had ſtated the night before, and deſired to halt the troops on the ground they then occupied. By this time the 71ſt and 82d regiments were in advance, but not in danger, the 40th and 36th being immediately in their rear, on the ſide of the valley, and the other troops formed in ſucceſſion for their ſupport. Shortly afterwards, the laſt attack was made by a body of the enemy's infantry on the 71ſt and 82d regiments, which repulſed it, as ſtated in his report to Sir Harry Burrard, and after that General Ferguſon ſent his Aid-de-Camp, Captain Melliſh, to inform him, Sir Arthur Welleſley, of the great advantage which might be derived from the continuation of our advance ; Sir Arthur Welleſley ſent Captain Melliſh to Sir Harry Burrard to endeavour again to prevail on him to allow us to continue our advance.

Sir Arthur Welleſley conſidered the two propoſi-

tions made by him to Sir Harry Burrard, on the evening of the 20th, and on the 21ſt, on the field of battle, to continue in purſuit of the advantages already gained by the Britiſh, as having in contemplation the ſame plan of operations. He certainly did not recommend the purſuit of the French as of a fugitive army, though they undoubtedly were in great confuſion. That if the enemy had marched to Torres Vedras they would have been cut off from Liſbon by the neareſt road to that place. If they had retired on Torres Vedras in a ſtate of confuſion, they would have been between two bodies of our troops. If they had choſen to go round to Liſbon, by way of Villa Franca, they might have done ſo; but conceived that an army in that ſituation, followed, even at a ſlow rate, by a victorious enemy, was abſolutely incapable of forming, or appearing again in the ſhape of an army. The Britiſh army muſt have kept in order, and preſerved the connexion between one corps and another in the propoſed purſuit; but by keeping in order, does not mean that they muſt at all times have been formed in line. According to the order of the enemy's battle, they had but 21 pieces of artillery in the action, of which we took 13. If their order of battle was correct, which he believes it was, they had eight pieces left. Does know that the reſerve of the infantry of the enemy were engaged, from ſeveral circumſtances: 1ſt, that he, Sir Arthur Welleſley, ſaw them in the battle. 2dly, Several priſoners of the reſerve were taken, and corroborated the fact. 3dly, General Kellermann commanded the reſerve, and informed him they were engaged. 4thly, General Junot, who commanded the army, told him he attributed the loſs of the battle to the impetuoſity of the reſerve, who could not be reſtrained. Laſtly, he heard from many French officers, that every corps of infantry in their army had that day been engaged. Knew it alſo from the period at which they were introduced into the action; likewiſe from the circumſtance of the line of march by which they approached, which was that of raw troops; and by comparing what he ſaw with the accounts given him by the French officers of the line of attack adopted for that corps of the French army. That ſuch was the ſituation of the country, that any number of troops might

have been concealed, who might have been deſtined to take part in the attack; and it would have been difficult, if not impoſſible, for us to ſee them; but he had ſeen nearly all, if not the whole of the French troops on their march in columns in the morning: and judging by the number he ſaw, and comparing them with what he conceived to be the number of troops fit for action, did not conſider that they had any ſuch troops, beſides the reſerve; although it might have been poſſible to conceal ſuch a body of troops in the hills. Muſt alſo mention, that he ſaw the tails of their columns. Should think that the right of General Hill's brigade was not leſs than two or three miles, poſſibly three, from the left of General Ferguſon's at the concluſion of the battle. Muſt obſerve, that, from the nature of this action, the right and left wings of both armies were unconnected; that a valley ran from the point, near where the action finiſhed, to Vimiera, which ſeparated the left wing of the Britiſh army from the right, and alſo diſconnected the two wings of the French army. At the ſame time, ſuch was the nature of the country, and it was ſo completely occupied by the troops which were on it, which troops were ſo completely ſupported by thoſe on their rear, that we could feel no inconvenience from this circumſtance.

General SPENCER examined by Sir Harry Burrard:—Believes the diſtance between the right of General Hill's brigade and the left of General Ferguſon's, at the cloſe of the action, was from two miles and a half to three miles. The enemy were in order in two lines, immediately on their retreating from the centre and left of our poſition, about three miles off. Diſtinctly ſaw one line. Had no particular reaſon for knowing that the reſerve of the enemy's infantry were engaged that day. Cannot poſitively ſay whether the whole of the enemy's infantry was engaged that day. That the artillery-horſes performed the journey from Mondego Bay to Torres Vedras, and as to particular preſs or puſh, any exertion would have been made to overcome the difficulties which might have preſented themſelves. Did hear that the French at Torres Vedras had been joined on the evening of the 21ſt, by a body of about three or four thouſand infantry. Underſtood that the enemy re-

treated with ſeven or eight pieces of cannon. If the Britiſh army had reſolved to purſue the enemy on the 21ſt, the body of men neceſſary to be left behind to collect and take care of the wounded, and ſuch ſtores as the army could not have done without, would depend entirely on the judgment of the Commander of the forces, who was alone competent to decide on that ſubject. Does know that the diſtance by the road near to which General Hill's brigade was placed, to Torres Vedras, was about eight or nine miles. That the diſtance by the other road, at the time, by the left of our poſition line, was about three miles farther. Has not any knowledge of the ground between that and Torres Vedras, except the general features. Thinks the enemy would have endeavoured to take their poſition at Torres Vedras; but in regard to any riſk the right would incur by a ſeparation of the columns, that muſt reſt with the Commander of the forces, according to the diſpoſition he judged proper to make. Saw one line of the enemy diſtinctly formed about three miles off, in front of the centre of our poſition, where it remained upwards of an hour. Firſt ſaw this line after the retreat. It was after the attack on our centre and left had ceaſed; cannot ſay immediately, but very ſoon after.

Queſtioned by Sir Arthur Welleſley.—The time to which witneſs alludes was after the attack on Generals Anſtruther's and Fane's brigades, and after the whole had ceaſed. That line was formed to the northward, near the road to Torres Vedras. Heard of a reinforcement of infantry having joined the French in Torres Vedras on the evening of the 21ſt; not from authority, but it was the report in the camp. Was not preſent when Sir Arthur Welleſley recommended Sir Harry Burrard, on the field of battle on the 21ſt, to continue to purſue the advantages we had gained over the enemy; conſidered the enemy to be ſo completely beaten in the centre and left, that he ſhould have ſupported Sir Arthur Welleſley in that meaſure.

Queſtioned by Earl Moira.—If you had had artillery-horſes for conveying cannon, was the nature of the roads ſuch as would have enabled you to have brought up your artillery?—I think it would have been with great difficulty they could have got on.

General FERGUSON examined by Sir Arthur Wellesley:—Was not present, on the field of battle, on the 21st of August, when Sir Arthur Wellesley recommended Sir Harry Burrard to continue the pursuit of the advantages gained over the enemy; was with his brigade. Recollects, after having received orders to halt, that he sent a message to Sir Arthur Wellesley by General Ferguson's Aid-de-Camp, Captain Mellish, informing Sir Arthur Wellesley that, if allowed to continue to advance, he would gain important advantages. A column of the enemy completely broken, and consisting of from about 1500 to 2000 men, had, in their confusion, got into a hollow, and were thereby placed in that situation that they might be cut off from the main body, by an advance movement of part of the corps under his command. As they had lost all their artillery, and were in the very utmost confusion, it certainly was his opinion that it was important that our army should continue to advance. Did not see any troops of the enemy properly formed at the end of the action. Some battalions of their infantry occasionally halted, in his opinion, to cover and carry off the booty. Observed them in small bodies, generally not more than 2 or 300 infantry. The greater part of their cavalry appeared to be opposed to our centre.

In answer to a question by Earl Moira:—One part of his battalion was on the village of Pereganza, and the other in the rear to support it. The village was the last place where the enemy had made a stand, and they had been driven from it by the brigade under his command. The enemy was then retiring in the greatest confusion. The roads were so bad, that he hardly thought, had there been a sufficient number of artillery-horses, they could have brought the artillery forward.

Lord BURGHERSH examined by Sir Arthur Wellesley:—His Lordship was present when Sir Arthur Wellesley recommended to Sir Harry Burrard, on the field of battle on the 21st of August, to continue in the pursuit of the advantages gained by our army over the enemy. Was present during the conversation Sir Arthur Wellesley had with Sir Harry Burrard on the same subject, on the 20th. Recollects Sir Arthur Wellesley's recommending to Sir Harry Burrard to allow the army

to move forward on the morning of the 21ſt. As a reaſon for that, Sir Arthur Welleſley mentioned that the armies were ſo near, as to make it no longer doubtful that one of the two muſt attack; that by advancing, the Britiſh army would have to act on the offenſive, and, in Sir Arthur Welleſley's opinion, would reach Mafra before having recourſe to a general engagement; that by reaching that poſition, they would be brought more immediately in front of Liſbon, with which ground Sir Arthur Welleſley was ſo well acquainted as to make him anxious to meet the enemy on it. As an objection againſt waiting for Sir John Moore's corps, Sir Arthur Welleſley ſaid, that there muſt be an interval of at leaſt ten days before it could be ſerviceable. Does not perfectly recollect the manner in which Sir Arthur Welleſley expreſſed his deſire to Sir Harry Burrard on this ſubject, but recollects perfectly his preſſing him to allow the purſuit to be continued. That Sir Arthur Welleſley ſtated that the right wing of our army was ſeveral miles nearer to Torres Vedras than the enemy was; that we had four brigades which had not been engaged; and that Torres Vedras was the path by which the enemy had retired. Does recollect that Sir Arthur Welleſley preſſed him to allow the right wing of our army to drive the left of the enemy back on Torres Vedras, ſaying at the ſame time, that in his opinion, by that movement, no part of the French army would reach Liſbon.

Sir ARTHUR WELLESLEY expreſſed his intention of calling ſeveral other witneſſes.

Adjourned till

Wedneſday, December 14.

The Court reſumed at half-paſt eleven o'clock.

The DEPUTY JUDGE ADVOCATE read the various letters and diſpatches to which a reference was made yeſterday in the Narrative of Sir Harry Burrard. They principally conſiſted of the letters of Lord Caſtlereagh and General Stuart to Sir Harry Burrard, previous to his ſailing from Portſmouth, together with the diſpatches of that officer off Peniche to Sir John Moore at Cape Mondego.

Sir ARTHUR WELLESLEY queſtioned by Sir Harry Burrard:—Does not recollect that the French cavalry patrolled near the Britiſh camp, on the night of Auguſt 19th. They certainly did ſo, very early on the morning of the 20th. There was a diviſion of the Britiſh army which had been detached at an early hour, on that morning, under General Spencer, towards Lourinha, to facilitate the junction of General Anſtruther's brigade, which had landed in a bay to the ſouthward of Peniche. This diviſion was poſted upon a height between Lourinha and Vimiera, and the French cavalry patrolled very cloſe to it. Thinks, under certain circumſtances of country and of poſition, it was poſſible for an army to march, and the march not to be known to the enemy, at the diſtance of nine miles, in leſs than two, if not three hours. Torres Vedras is about eight or nine miles from Vimiera. The Britiſh army was always under arms an hour before daylight. There are croſs roads between Vimiera and Torres Vedras. That in theſe roads were mountainous torrents which created very difficult paſſes with ſteep hills on each ſide. Should imagine that Torres Vedras is diſtant from Mafra about nine miles and a half, and that Vimiera cannot be leſs than ſeventeen or nineteen miles. Conceives that the enemy could not have been at Mafra, if we had marched before day in the morning. Could we have reached Mafra before them, their line of retreat muſt have been by Cabeça de Montachique.

After various queſtions by Sir Harry Burrard to Sir Arthur Wellesley, relative to the diſtance of places, power of artillery to act, quantity of proviſions provided for the army, &c. &c.

Sir HARRY BURRARD was interrogated by the Court:—Was certainly of opinion with Sir Hew Dalrymple and Sir Arthur Wellesley, that the French might have paſſed the Tagus with their whole force, and might have involved the Britiſh army in a long courſe of doubtful operations, at the very time the Britiſh army might have acted with effect. Thinks General Junot could have tranſported his forces acroſs the Tagus immediately after the 22d of Auguſt, and that General Junot had his own motives in not coming to action.

The Court was of opinion that the three queſtions

ſhould be put to the other two officers; but conceiving that Sir Arthur Welleſley had already, in ſome previous part of the proceedings, anſwered the firſt queſtion, the ſecond was put to him, to which his anſwer was—that he thought General Junot could have tranſported his forces acroſs the Tagus immediately after the 22d of Auguſt.

To the third he anſwered, "In conſidering the expediency of allowing the French to evacuate Portugal by ſea, I took a view of the Britiſh intereſts and objects only, and the objects of our allies, as connected with thoſe of Great Britain. I conſidered that the French army, from the relative ſituation of the two armies in Portugal, and its having the military poſſeſſion of the country, had a fair military right to withdraw by ſea, with their arms and baggage; and I do not think it neceſſary for me to account for the motives of General Junot, in preferring the evacuation by ſea, to another line of operation; which, without wiſhing to ſay any thing diſreſpectful of him, might have been bad or unworthy motives, as well as motives conducive to his country's intereſts."

The two laſt queſtions were alſo put to Sir Hew Dalrymple, who to the ſecond anſwered, Moſt certainly.

To the third he anſwered, "I have already ſtated to the Court the reaſons which induced me to think the Convention to have been advantageous to the cauſe of Great Britain and her allies. It muſt alſo be recollected, that I had particular inſtructions for expelling the French from Liſbon, and to prevent their retreat into Spain; and without pretending to ſay how far that might have been in their intent, I certainly had no other means of preventing ſuch a movement. I cannot be aware of the motives which induced General Junot to concur with thoſe meaſures. He doubtleſs thought he ſaw ſome advantage to the French intereſt in ſo doing, which I could not diſcern, excluſive of the great motive, upon all ſuch occaſions, to ſpare the uſeleſs effuſion of human blood."

The queſtions were again put to Sir Harry Burrard, who anſwered, Junot certainly might have tranſported his troops acroſs the Tagus upon that occaſion; that he did not much conſider what were the motives which actuated the French General. He could not conceive what

could induce him to do that which he, Sir Harry Burrard, thought advantageous to this country.

Sir HEW DALRYMPLE interrogated by the Court.—Suppoſes, that, from the change of circumſtances, he might have inſiſted upon more favourable terms before the Convention was concluded, particularly upon the 29th and 31ſt of Auguſt, when the landing of Sir John Moore's corps was completed; but did not then think that the circumſtances permitted the negotiation to be protracted, and the four Lieutenant-Generals with whom he conſulted ſeemed to concur in the ſame opinion. Thoſe Lieutenant-Generals were Sir Harry Burrard, Sir John Moore, Lieutenant-General Hope, and Lieutenant-General Mackenzie Fraſer. Does not exactly know how it happened that the march of the troops, under Sir John Moore, was ſo tardy; but, in point of fact, when the army marched into Spain, that operation waited for nothing, when Sir Hew Dalrymple left Portugal, but notice from Madrid. The neceſſary arrangements as to the movements of the troops had been made in Spain, and he had reaſon daily to expect them to be ſent to him; no arrangement for that operation had been concerted previous to the Convention, that he knew of.

Colonel TORRENS examined by Sir Arthur Welleſley:—Was preſent on board the Brazen when Sir Arthur Welleſley had a converſation with Sir Harry Burrard on the evening of the 20th of Auguſt. Sir Arthur Welleſley made his report to Sir Harry Burrard, upon the arrival of that officer in Sierra Roads, repreſenting to him the ſtate of the army under his command, the ſituation of that of the enemy, the object of and principle upon which he had conducted his operations ſince he had landed at Mondego, and that he had iſſued orders for the march of the army next morning. Sir Harry Burrard replied, that he did not conſider it adviſable to advance from that poſition until the army ſhould be reinforced by a diviſion from Sir John Moore. Sir Arthur Welleſley thought it of the utmoſt importance to puſh forward by the way of Mafra, with a view of turning the enemy's left flank, and to endeavour to bring the French army to the iſſue of a battle in the field, as near Liſbon as poſſible, that we might avail ourſelves of the

ſhort diſtance from the Tagus, by following up the victory, ſo as to prevent the French from croſſing that river; that he was deſirous of this conteſt taking place near Liſbon, having an actual ſurvey of all the country in the vicinity of that town; that if Sir John Moore's corps ſhould be brought down to the Sierra, Sir Harry Burrard muſt relinquiſh all the advantages to be expected from his marching that body up to Santarem, with a view of cutting off the retreat of the French army to the northward. Sir Harry Burrard repeated, that he thought it adviſable to bring Sir John Moore's corps to render certain thoſe operations which appeared to him doubtful. Sir Arthur then aſked Sir Harry Burrard whether he had received his letters of the 8th and 10th of Auguſt, which recommended the march of this reinforcement upon Santarem. Sir Harry replied, that he had received thoſe letters; but he did not, in witneſs's preſence, make any comment or obſervation upon that ſtatement. Sir Harry Burrard then wrote to Sir John Moore, he did not ſee the letter, but underſtood it to be orders to come up with his diviſion. To the beſt of witneſs's recollection, this is the ſubſtance of the converſation which paſſed, although he cannot pledge himſelf to the exact words.

Does Colonel Torrens recollect my ſtating to Sir Harry Burrard the probability that, if we did not move to attack the French, they would attack us?—I do recollect that Sir Arthur Welleſley obſerved to Sir Harry Burrard the probability that if we did not move to attack the French, they would attack us; adding, at the ſame time, that a great expenditure of proviſions would be occaſioned by waiting till Sir John Moore could come up, as he could not be expected for ſome days. Perfectly recollects Sir Arthur Welleſley ſtating to Sir Harry Burrard the probably increaſed difficulties of ſupplying the army with proviſions, when its numbers ſhould be increaſed, without any proportionate increaſe of means; and that, if the enemy did not attack us, they would fortify their poſitions between our army and Liſbon, during the delay of our march, and the difficulty of our turning fortified poſitions with cannon, in that country, on account of the narrowneſs of the roads; adding, beſides, the general badneſs of the roads, which would render the operation of turning the enemy's flank, in any poſition which he might take up, extremely difficult Recollects

Sir Arthur Wellesley sending him with orders to General Fane and General Anstruther, before, or immediately at the commencement of the battle of the 21st of August. In those orders Sir Arthur desired him to ride as fast as he could, to the brigades of Generals Anstruther and Fane, to communicate to them that they should not move from the position which they occupied in the front of the village of Vimiera, without further directions from him. On witness's arrival at that position, found that General Fane had advanced a little way in front, and was engaged with the French light troops, followed him, and delivered those orders, and General Fane consequently retired. It was then, he thinks, about half past nine in the morning. Understood from Sir Arthur Wellesley that those orders originated from the nature of the ground in front of that position, which would render it ineligible to move forwards, and particularly as he had observed a large French column forming in the wood, evidently preparing to make a vigorous attack upon our centre. Was present when Sir Arthur Wellesley recommended to Sir Harry Burrard, on the field of battle, on the 21st of August, to continue the pursuit of our advantages. Immediately after we had defeated the right column of the French army, which had made its attack upon our left, and were then retreating in a precipitate manner, Sir Arthur Wellesley rode up to Sir Harry Burrard, and said, "Sir Harry, now is your time to advance, the enemy are completely beaten, and we shall be in Lisbon in three days. We have a large body of troops that have not been in action; let us move them upon the right, on the road to Torres Vedras, and I'll follow the enemy upon the left." Sir Harry Burrard replied, that he thought a great deal had been done, very much to the credit of the troops, but did not think it advisable to move off the ground in pursuit of the enemy. Sir Arthur Wellesley remarked, at the same time, that the troops were perfectly ready to advance, having provisions ready cooked in their havresacks, according to the orders of the day before. Recollects Sir Arthur Wellesley mentioning that there was plenty of ammunition; that the mules and the reserved musket ammunition were in the rear of the brigades; and that we had abundance of ordnance stores, and plenty of provisions; but cannot recollect, at this

moment, if he ſtated the number of days' proviſions in the camp. Sir Arthur Welleſley did order the army, on the 20th, to march upon the morning of the 21ſt, but countermanded thoſe orders immediately upon his arrival in the camp, on the evening of the 20th, in conſequence of the orders he had received from Sir Harry Burrard.

In anſwer to a queſtion from Sir Harry Burrard.—The French column arrived at the point of attack upon our left in about ten minutes or a quarter of an hour after their left column was defeated by our centre; cannot ſpeak with any accuracy as to the length of the action upon the left, it might probably be an hour, more or leſs. When Colonel Torrens ſaid that he heard Sir Arthur Welleſley aſk Sir Harry Burrard whether he had received his diſpatches of the 8th, 10th, and 11th of Auguſt, does not recollect that Sir Harry Burrard told Sir Arthur Welleſley that he had ſent them to Sir John Moore, by Colonel Duncan, from St. Martin's.

Captain COOKE was next called, but not being in attendance, Sir ARTHUR WELLLESLEY roſe—

"*Sir David Dundas,*

"*My Lords and Gentlemen,*

"Two or three points have been adverted to in the Narrative of Sir Harry Burrard, and ſome circumſtances have been ſtated in evidence, upon which I wiſh to trouble the Court with ſome obſervations.

"The firſt and principal of theſe is the reaſon ſtated by Lieutenant-General Sir Harry Burrard for not deeming it expedient to place Lieutenant-General Sir John Moore's corps at Santarem, as propoſed by me in my letters of the 8th, 10th, and 12th of Auguſt, which are before the Court, becauſe, as Lieutenant-General Sir Harry Burrard ſtates, it would not, in his opinion, have been ſufficiently ſtrong to oppoſe the enemy, if he had retreated by that road.

"I beg to refer the Court to my diſpatches of that period, which I conſider the faireſt documents to which I can refer; as, when they were written, I had certainly no notion that the ſubjects to which they related would ever have become the topic of diſcuſſion here: the Court will ſee, that in theſe diſpatches I always conſidered the poſſeſſion of Liſbon and of the Tagus to be the great object of the campaign both to us and the

French; that for this object a battle would be fought in the field, in which I thought I had reason to expect success, and that the enemy would, after this battle, endeavour to retire across the Tagus to Elvas, or along the right bank of the Tagus by Santarem towards Almeida.

"If the Court will refer to the paper drawn by the French engineer, laid before them by Lieutenant-General Sir Hew Dalrymple, they will see that these are the lines of retreat recommended by the officers of the engineers to the French Commander in Chief; now, the occupation of the position at Santarem by Sir John Moore's corps, was calculated to cut off these lines of retreat, in the first supposed case, by the facility and celerity with which the Tagus would have been crossed; in the second, as it was upon the road which the enemy must have taken. But as I set out with the certainty that the French would not, nay, could not, abandon Lisbon and the Tagus, without fighting a battle for these possessions, I may conclude, that after that battle they would have been so much weakened, as that Sir John Moore's corps would have been a match for them; and, at all events, it is not to be supposed that if this battle had been fought, they would not have been followed by a part, if not the whole of the army, which in this supposition would have defeated them.

"Indeed the Court will have observed, by my correspondence with Sir Harry Burrard, that I considered this position at Santarem to be so little dangerous, and at the same time so advantageous, that if the brigades of Brigadier-Generals Acland and Anstruther had been equipped to act independently of any other body of troops, I should have ordered those brigades to occupy it.

"The next point on which I wish to observe, is the mode in which I proposed, and intended that this corps should be supplied at Santarem. The Court will see this mode, and all the difficulties which attended it, discussed in my letters to Sir Harry Burrard; and I have no doubt whatever that he would have been able to procure carts in the country, on the Mondego, to enable him to form at Leyria the proposed depot, and at that place the means of moving what should be required to Santarem.

"I also wish to say a few words upon the strength of

the corps under my command in compariſon with that of the enemy.

" I marched from Lavaos on the 10th of Auguſt with 13,000 men, and I was joined by, and expected the co-operation of 6000 Portugueſe troops. I was diſappointed in this expectation on the 13th of Auguſt, when I was engaged in an operation againſt a detachment of the enemy, which promiſed the utmoſt ſucceſs; from which I could not with propriety withdraw, and which ended in the battle of the 17th of Auguſt.

" On the 18th, I heard of the arrival of General Anſtruther's brigade, and on the 20th, in the evening, when Lieutenant-General Sir Harry Burrard decided that he would alter the principle on which we had before carried on our operations, General Acland was arrived in Marceira roads with his brigade, and he was landed on that night. The force then conſiſted of between 16 and 17,000 men, Britiſh troops, and 1650 Portugueſe troops actually in camp. We had been ſucceſsful in the action of the 17th, and the army was in the higheſt order, and the higheſt ſpirits, well equipped, ſupplied with twelve days proviſions for the original number, and with every thing it required for its future operations.

" In diſcuſſing and conſidering the propriety of the deciſion of Lieutenant-General Sir Harry Burrard, or of my previous operations, it would not be fair to eſtimate the enemy's force at larger numbers than 20,000 men, of which they were reported to conſiſt by General Spencer, in his report to Government, from the mouth of the Tagus. From this number the garriſons of Elvas, Almeida, and Peniche, were to be deducted, which I always reckoned at 2000 men: then there were the forts of St. Julien, Caſcaes, the citadel of Liſbon, Bugio, Belem, and the batteries on the Tagus and the coaſt, as far as the Rock of Liſbon, which would have required, at leaſt, 3000 more. This would have left the enemy with only 15,000 men for operations in the field, while we had above 18,000 men.

" If it is contended that the eſtimate of the enemy's ſtrength ought to be made according to their embarkation returns, inſtead of according to General Spencer's return of their force, a deduction ought to be made from the amount of 24,000, of the real number of the

garriſons of Almeida, Elvas, and Peniche, and of 3000 men for the garriſons upon the Tagus and upon the coaſt; and if but a ſmall allowance is made for non-combatants, it will ſtill turn out that the force to be met in the field did not exceed 15 or 16,000 men.

"From this ſtatement it will appear that the force of 3 or 4000 men, which it was reported had arrived at Torres Vedras after the action, could not have exiſted; and, in point of fact, it was a report circulated by General Junot, and indeed it was publiſhed in the newſpapers of Liſbon, with other falſe accounts of the circumſtances of the action.

"In reſpect to other points, I ſhall not obſerve upon them, as the evidence is before the Court, who will judge of it. I conſider it proved and admitted, that I recommended, on the evening of the 20th of Auguſt, that the army ſhould not halt, and that the propoſed diſpoſition for Sir John Moore's corps ſhould not be altered; that the enemy were completely defeated in the action of the 21ſt of Auguſt on all points of attack; and that I propoſed to Sir Harry Burrard the purſuit of them.

"The Court have before them my reaſons for advaning on the 10th of Auguſt, and for thinking that I was ſtrong enough for the enemy, and for recommending to Lieutenant-General Sir Harry Burrard a perſeverance in the plan of operations on which I commenced; and in my evidence of yeſterday my reaſon for thinking that moſt beneficial conſequences would have reſulted if the enemy had been purſued.

"Upon all the points of difference of opinion between Lieutenant-General Sir Harry Burrard and me, the Court will form their judgment upon the evidence.

"I think it neceſſary, however, to detain the Court for a ſhort time upon another part of the ſubject, which has been under their conſideration.

"Although I am decidedly of opinion that the moſt deciſive conſequences would have reſulted from the march as propoſed, and the purſuit of the enemy on the 21ſt of Auguſt after the battle, yet it does not follow that the meaſure of allowing the French to evacuate Portugal was not right on the evening of the 22d.

"On the 21ſt of Auguſt the enemy were defeated, and

in confuſion; and I have explained the grounds which I have for thinking that the moſt advantageous conſequences would have reſulted from a purſuit. On the 22d, in the evening, when the queſtion of the evacuation was conſidered and decided, the enemy was no longer in confuſion; and they had reſumed the poſition of Cabeça de Montachique, between us and Liſbon.

"The relative ſituation of the two armies was then to be taken into conſideration, as well as in the other caſe; but that of the French army had been materially improved by our omiſſion to purſue our advantages; and we were then to look to our relative means of annoying each other, and our own objects.

"I have already detailed to the Court, in a former ſtatement, the relative ſituation, and means of the two armies at that period of time, and I conceive that the battle of the 21ſt of Auguſt, could be taken into conſideration in the diſcuſſion of the queſtion, whether the French ſhould be allowed to evacuate Portugal or not, only in this way, viz. that it was a trial of ſtrength between the two contending armies, and it proved the ſuperiority of that of His Majeſty.

"It was alſo clear to me, that the French would not riſk another action; that their object was to ſecure a retreat acroſs the Tagus; and that they would uſe their poſitions in front of Liſbon, to facilitate and ſecure that object.

"As I have already explained to the Court, we had no means, on the 22d, of preventing them from effecting that object; from which I did, and do ſtill think it was important to us to preclude them, excepting a convention for the evacuation of Portugal."

Sir HARRY BURRARD examined Sir Arthur Wellesley:—Does not think that the army might have marched to Mafra with as much facility on the 23d as on the 21ſt. There was this difference, that on the 23d Mafra was occupied by a French corps, and none was there on the 21ſt; that the object of the march to Mafra would, on the 23d, have been defeated, becauſe there was no chance of bringing the French to another action. They would have acted in bodies as they did in Egypt: they tried their ſtrength once in the field, and having

failed, they would continue to retreat in Portugal, until they got into a place of ſafety. Does not believe that any corps would have formed on the flanks of our march on the 23d, becauſe no Frenchmen remained in Torres Vedras on the 22d. That the French corps, which occupied Mafra on the 23d, muſt have been in the action of the 21ſt, and muſt have retreated through Torres Vedras. The ſhorteſt road from Torres Vedras to Liſbon, and of courſe up the country, is not through Mafra; but it is in witneſs's opinion entirely conſiſtent with the intention to croſs the Tagus, and retreat up the country, to occupy all the poſts that were likely to impede the advance of the Britiſh troops.

In anſwer to Earl MOIRA:—The occupation of Torres Vedras, on the evening of the 21ſt, would have placed us on the ſhorteſt road, from the poſition of the two armies, to Cabeça de Montachique, and we ſhould have been in a ſituation, by a ſubſequent movement, to occupy not only Cabeça, but the other poſitions in front of Liſbon, before the French could have reached them. The French retreated from all points of attack to the northward, apparently with the intention of falling in with the road from Torres Vedras to Lourinha, by which they had advanced to the attack. Conceived that when the action was over, the right of our army was nearer to Torres Vedras than the enemy, and therefore ſhould think the right of our army would have been at Torres Vedras before any part of the enemy could have reached that town in their retreat.

In anſwer to Lieutenant-General NICHOLS:—Should conceive the corps deſcribed by General Spencer to have formed to the north on the road to Torres Vedras, muſt have been on the ground, or at no very great diſtance, on which General Spencer ſtated he ſaw it, about the time that it was propoſed to Sir Harry Burrard to purſue the enemy, although probably not formed. The right of the Britiſh army, properly ſo called, was not attacked. The attack was made on the right of the centre; and all the French troops which attacked Generals Fane's and Auſtruther's brigades, retired to the northward, with the exception of poſſibly ſome ſmall detachments; of which, however, he ſaw none.

Sir ARTHUR WELLESLEY again addreſſed the Court.

" *General Sir David Dundas,*

" *My Lords and Gentlemen,*

" At a former meeting of the Court, Lieutenant-General Sir Hew Dalrymple expreſſed a wiſh that the Court ſhould have before it a copy of the letter which I was ſuppoſed to have addreſſed to the Biſhop of Oporto on the 24th of Auguſt, and I then told the Court that I would lay before them all the letters I had written to the Biſhop of Oporto, of which I had copies among my papers. I find that I have the copies of only two letters, although I have written many, which I now lay before the Court; and I ſhould have taken an earlier opportunity of laying theſe letters before the Court, only that one of them relates to tranſactions in which Sir Harry Burrard was a party; and I was unwilling to make it public during his abſence.

" In reſpect to the letter ſuppoſed to have been written by me on the 24th Auguſt, I repeat that I have no recollection of having written it; and I have no copy of it, and I think it probable from an inaccuracy of the date, from the addreſs, and from ſome of the expreſſions, that I did not write it; but I adopt as my own all the ſentiments which it contains.

" It congratulates the Biſhop upon the proſpect of the evacuation of Portugal by the French, which the Court will have obſerved I always conſidered a ſubject of congratulation; and it ſtates that the agreement for the ſuſpenſion of hoſtilities, contains nothing elſe that is remarkable, excepting a ſtipulation, that the port of Liſbon ſhould be conſidered a neutral port in reſpect to the Ruſſians.

" It is well known and admitted, that there was another part of that agreement to which I entertained objections; but in reſpect to the Portugueſe, it did contain nothing remarkable, excepting this ſtipulation; and this remark, if I wrote the letter, rather tends to confirm that which I have always ſtated were my ſentiments in reſpect to this ſtipulation.

" This mode of laying a private letter before a Court, is not regular, any more than the mode of calling for a letter of this deſcription; but if the Court ſhould be deſirous of ſeeing this, or any other letters of mine to the

Biſhop of Oporto, in an official ſhape, they may call for them at the office of the Secretary of State for Foreign Affairs, through which channel I doubt not they can be procured."

Sir HARRY BURRARD next offered a few brief obſervations, explanatory of his deciſion at the cloſe of the battle on the 21ſt. He truſted, that whether the line of operations which he had on that occaſion adopted were right or wrong, he would ſtill be conſidered as having acted to the beſt of his judgment, unſwayed by any unworthy motives. When he decided againſt the advance of the Britiſh army, he did not believe that the whole of the French diſpoſable force was engaged. He acknowledged, that, at the time he gave his orders, he did not ſuppoſe ſo large a corps of the enemy could have been cut off from the main body by General Ferguſon's brigade. From the extended line of the Britiſh army, at leaſt four miles, with other ſtrong reaſons ſtated in his Narrative, he did adopt his determination againſt a purſuit, and he did not even then ſee grounds for altering that opinion. Such a deciſion, at the moment when Sir Arthur Welleſley publicly propoſed an advance, he was aware was not calculated to pleaſe a gallant army, fluſhed with victory; but in acting upon it, under ſuch circumſtances, it muſt appear that he was influenced by a ſtrong conviction of its propriety, although much in oppoſition to his own feelings, as all who knew him through his life would be ready to affirm. [Sir Harry Burrard was in this part almoſt deprived of the power of utterance.] He had the happineſs to find that deciſion ſupported by the concurrent opinion of officers high in character, whoſe abſence, at that moment, he could not but regret. Whilſt he ſtated the ſatisfaction he felt in their coincidence with him, he did not, in the moſt remote degree, ſhrink from the full and ſole reſponſibility. If, in acting upon that determination, he was wrong, it was only to be attributed to an error of judgment, and for that error he alone was anſwerable.

Sir ARTHUR WELLESLEY addreſſed the Court.

" *General Sir David Dundas,*

" *My Lords and Gentlemen,*

" I truſt that the Court will permit me to addreſs a few words to them upon this occaſion. Although I did differ, and do ſtill differ in opinion, with Lieutenant-General Sir Harry Burrard, reſpecting the meaſures adopted immediately after the battle of the 21ſt of Auguſt, I hope it will not be deemed preſumptuous in me as an inferior officer to declare to the Court and to the public, the opinion which I have always entertained, that Sir Harry Burrard decided upon that occaſion on fair military grounds, in the manner which appeared to him to be moſt conducive to the intereſts of the country; and that he had no motive for his deciſion which could be ſuppoſed perſonal to me, or which as an Officer he could not avow."

Sir HARRY BURRARD *examined by Sir* HEW DALRYMPLE.

Was called in by Sir Hew Dalrymple to the conference of the Armiſtice at Vimiera, on the 22d of Auguſt, with Sir Arthur Welleſley. A great many objections were ſtated, but they were overruled in converſation. That a treaty, ſigned by Colonel Murray, refuſed to be ratified by Sir Hew Dalrymple, was read, article by article, in preſence of himſelf, Sir John Moore, and Lieutenants-General Hope, Fraſer, and Sir Arthur Welleſley; and the obſervations, and propoſed alterations of each article, were written down by Sir Arthur Welleſley.

Examined by Sir ARTHUR WELLESLEY.

Recollects that when the Armiſtice was negotiated, General Kellermann read from a paper a ſtatement of the wiſhes of the Commander in Chief. Thinks he recollects that Sir Arthur Welleſley refuſed to take that paper; but cannot preciſely ſay that Sir Arthur Welleſley ſtated, in an inner room, to the Commander of the forces, that his reaſon for refuſing it was, that he thought the agreement then to be negotiated ought to be confined to the ſuſpenſion of hoſtilities. Recollects the uſe of the words " that as there was no difference of opi-

nion upon the ſubſtance of the negotiation, it was not worth while to put the French to the wall upon forms," but cannot, at this diſtance of time, ſay whether by the Commander in Chief. Cannot recollect that the demand of the French, in favour of the Ruſſians, would, in the firſt inſtance, have gone to allow them to return to the Baltic with their fleet, as he was very often in and out of the room, having diſpatches to write to England. Recollects Sir Arthur Welleſley having ſaid to the Commander of the forces, that as you and I were employed, laſt year, in bringing one fleet from the Baltic, we could not but adviſe him not to allow another to return there; and that the Commander of the forces anſwered, he was determined not to allow the article to ſtand as propoſed.

In anſwer to Sir HEW DALRYMPLE—Cannot ſay, that it was in conſequence of theſe expreſſions that Sir Hew Dalrymple did not permit the Ruſſian fleet to return to the Baltic, but it was amongſt other points in argument.

Sir HEW DALRYMPLE obſerved, that he held in his hand a letter, which appeared to be an anſwer to one ſent by a Britiſh Commander. It came to him by being directed to the Commander of the Engliſh forces. It was not read nor placed upon the proceedings of the Board.

Sir HEW DALRYMPLE read a few obſervations explanatory of the reaſons he had before delivered to the Court, relative to his conduct while Commander in Chief of the Britiſh forces in Portugal. He truſted that in ſtating his reaſons earneſtly, he did not preſumptuouſly arrogate to himſelf either ſuperior merit, or attempt to depreciate the conduct of others. He had the gratification of having, by producing his diſpatch, placed on the face of that Court's proceedings his tribute of applauſe to the gallant army who ſo honourably ſucceeded in the battle of the 21ſt, and to the talents and energies which, on that occaſion, were diſplayed. He muſt, however, affirm, that it was a ſtate of circumſtances which ſtood in need of ſuch talents and ſuch energies. Having detailed his reaſons for acceding to the Convention, and his deſire to be conſidered reſponſible for it, from the 22d, he had no reaſon, upon ma-

ture reflection, to alter his former opinion; and, therefore, he must ever maintain the propriety of its conclusion, whatever mortification he should undergo, from differing with a great portion of the country.

Sir DAVID DUNDAS, the President, communicated to the public, that, as the evidence was closed, whatever remained for the consideration of the Board, would take place in private.

The Court adjourned at a quarter of an hour before five.

REPORT OF THE BOARD OF ENQUIRY TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

WE the under-written General Officers of the army, in obedience to Your Majeſty's warrant, which bears date the 1ſt day of November 1808, commanding us ſtrictly to enquire into the conditions of a *Suſpenſion of Arms*, concluded on the 22d Auguſt 1808, between Your Majeſty's army in Portugal, and the French force in that country; and alſo into a definitive *Convention*, concluded with the French General commanding on the 31ſt Auguſt following; alſo into all the cauſes and circumſtances (whether ariſing from the previous operations of the Britiſh army, or otherwiſe, which led to them); and into the conduct, behaviour, and proceedings of Lieutenant-General Sir Hew Dalrymple, and ſuch other Commander or Commanders of Your Majeſty's forces in Portugal; and of any other perſon or perſons, as far as the ſame were connected with the ſaid Armiſtice, Suſpenſion of Arms, and Convention; and to report to Your Majeſty a ſtate thereof, as it ſhall appear, together with our opinion thereon, and alſo our opinion, whether any, and what further proceedings ſhould be had thereupon:

We have, at ſeveral meetings, peruſed and conſidered Your Majeſty's orders and inſtructions, as tranſmitted to us by the Right Hon. Lord Caſtlereagh, Your Majeſty's Principal Secretary of State, together with ſundry letters, and other papers, therewith tranſmitted: And have heard and examined Lieutenant-General Sir Hew Dalrymple, Sir Harry Burrard, and Sir Arthur Wellesley, and other principal Officers employed on the ſaid expedition, with ſuch witneſſes as any of them deſired; and alſo ſuch other perſons as ſeemed to us moſt likely to give any material information: And in order that Your Majeſty may be fully poſſeſſed of every circumſtance which has appeared in the courſe of this inquiry,

We beg leave to lay before Your Majeſty the whole of our examinations and proceedings to this our Report annexed. And upon the moſt diligent and careful review of the whole matter, we do, in further obedience to Your Royal Command, moſt humbly report to Your Majeſty,

That it appears, that early in the month of May 1808, a very conſiderable force, deſtined for foreign ſervice, was aſſembled near Cork, the command of which, it is imagined, was intended for Sir Arthur Welleſley; that in the month of May, univerſal and unexpected reſiſtance to French tyranny had taken place in Spain; that application was made for the aſſiſtance of Britain; and that Government, with the univerſal concurrence of the country, determined on giving Spain and Portugal, then alſo in commotion, the moſt effectual aid.

It appears, that in conſequence of ſuch determination, Major-General Spencer, before the ſurrender of the French fleet at Cadiz, was off that port with about 5000 men, ſent by Sir Hew Dalrymple from Gibraltar. His aſſiſtance not having been called for there, he proceeded to the mouth of the Tagus, with a view of aiding Sir Charles Cotton's fleet in forcing a paſſage, it having been repreſented that there were not in the forts, and about Liſbon, more than four thouſand men. But General Spencer being then off the Tagus (June 24), reports, from the beſt authority he could have, that the enemy had 11,000 men in and about Liſbon, and 9500 at St. Ubes, the eaſt of Portugal, and elſewhere. In this ſituation the intended attack could not take place, and General Spencer returned to Cadiz and Gibraltar.

It appears, that on the 14th June, application was made to the Admiralty to provide a convoy to ſail with the troops then under orders from Cork, on the arrival of Lieutenant-General Sir Arthur Welleſley, appointed to the command.

On the 21ſt June, Lord Caſtlereagh acquaints Sir Arthur Welleſley, that accounts from Cadiz are bad, and General Spencer was returning to Gibraltar, and that the Cabinet poſtpone their inſtructions to him till more is known.

On the 28th June, Lord Caſtlereagh acquaints General Spencer, then ſuppoſed at Gibraltar, that Sir Arthur Welleſley, with nine thouſand men, is ordered to proceed from Cork, and to act with his (Spencer's) corps, in ſupport of the Spaniſh nation. He is, therefore, with his corps, to go off to Cadiz to wait for him; in the mean time, availing himſelf of any circumſtance that offers of acting to advantage, even within the Straits.

It appears that, on the 12th July, Lieutenant-General Sir Arthur Welleſley ſailed from Cork with 9000 men (under inſtructions of the 30th June), generally to aid the Spaniſh nation, and the principal object to attack the French in the Tagus; but authorized, as he underſtood, to purſue any other object, if more likely to conduce to the benefit of the two nations. And (of the 15th July) to endeavour, if poſſible, not only to expel the enemy from Liſbon, but to cut off their retreat towards Spain. He arrived at Corunna the 20th, communicated with the Gallician Junta, who wiſhed the troops to be employed in expelling the French from Portugal, and recommended him to land in that country (this was on the 26th communicated to General Spencer). Sailed from Corunna the 22d, went to Oporto (leaving the fleet off Cape Finiſterre); arrived the 24th, deſired by Sir Charles Cotton to leave the troops at Oporto or Mondego Bay, and come to the Tagus to communicate. Had a conference with the Generals and Biſhop, at Oporto, about the diſpoſal of their force. The Biſhop promiſed mules and other means of carriage, and alſo a ſufficiency of ſlaughter cattle.

It appears that Sir Arthur Welleſley ſailed from Oporto the 25th July, ordered the tranſports to go to Mondego, proceeded and joined the Admiral off the Tagus the 26th. Letters were received from General Spencer at Cadiz, to which he had returned, and where the Spaniards preſſed him to remain, and he expected orders from Sir Arthur Welleſley. Agreed with Sir Charles Cotton, that landing in the mouth of the Tagus was impracticable, and unadviſable, as there was great riſk from the ſtate of the ſurf, from the defences and adverſe nature of the coaſt, and from the neighbourhood of the enemy's whole diſpoſable force, to whoſe attack we

ſhould be expoſed in landing, probably in a crippled ſtate, certainly not in a very efficient one.—Peniche fortreſs was in poſſeſſion of the enemy. Mondego Bay was therefore agreed on as moſt eligible to land at. Thinking it moſt important to drive the French from Portugal, he ordered General Spencer to embark (with his 5000 men), and join off that coaſt. By his information of the 24th June, the French had more than 20,000 men in Portugal. The Admiral's account made them leſs. Sir Arthur Welleſley thought they had not leſs than from 16 to 18,000.

It appears, that Sir Arthur Welleſley quitted the Admiral off the Tagus on the 27th, and joined the tranſports off Mondego on the 30th. He there received information from Government (dated 15th July), that a reinforcement of Brigadier General Acland and five thouſand men was intended for him, and eventually ten thouſand more men, under Lieutenant-General Sir John Moore; that Sir Hew Dalrymple was to command the army; that Sir Arthur Welleſley was alſo to proceed on the inſtructions he had received, viz. the attack of Liſbon, if his force was ſufficient. Dupont having ſurrendered, General Spencer's arrival was now conſidered as certain, as alſo that of General Acland very ſoon. The inſurrection in Alentejo was a fortunate occurrence at this time, and Sir Arthur Welleſley alſo received information from the Secretary of State, dated 15th July, that Sir Hew Dalrymple was appointed to the command of the forces in Spain and Portugal, and Sir Harry Burrard ſecond in command. And if in the mean time he was joined by any Officer, ſenior in rank, he (Sir Arthur Welleſley) was to ſerve under him. Of the ſame date, Sir Harry Burrard was alſo acquainted by the Secretary of State that operations are intended to be directed, in the firſt inſtance, to the reduction of the Tagus, and ſecondly, to the ſecurity of Cadiz, and deſtruction of the enemy's force in Andaluſia.

It appears, that Sir Arthur Welleſley was induced, from various ſtrong reaſons, as ſtated in his Narrative, to diſembark in Mondego Bay. This commenced on the 1ſt of Auguſt; but the ſurf occaſioned great difficulties, ſo that his corps was not all landed before the 5th. Ge-

neral Spencer arrived on the 5th, and his corps on the 6th. They landed on the 7th and 8th.

It appears, that from the 1ſt Auguſt till the 8th, when the whole was diſembarked, that meaſures were taking for the immediate movement of the army towards Liſbon, and horſes and carriages were ſolicited. Sir Arthur Welleſley armed the Portugueſe troops, offered money to aſſiſt in equipping them for the field, which was declined by their General Officers, whom he met on the 7th, and arranged a plan of operations and march, which was delayed, at their deſire, and for their convenience, till the 10th. He alſo left full information of his ſituation, intentions, and other circumſtances, for Lieutenant-General Sir Harry Burrard, on his arrival at Mondego (and for whom he had previouſly left advices at the Berlings, off Peniche, in caſe of his making that point), and recommended a plan of operations for Sir John Moore's corps on its arrival, to act towards Santarem and the Tagus. On the 8th, he renewed his communications to Sir Harry Burrard, leaving them at Mondego.

It appears, for the many ſubſtantial reaſons enumerated in Sir Arthur Welleſley's Narrative, and with the aid of 6000 Portugueſe, from whoſe co-operation he had reaſon to expect great advantage, but in which he was ſubſequently diſappointed, that he determined to proceed (without waiting for his expected reinforcements, of which he had been apprized), with his own army, of 13,000 men (Britiſh), againſt an enemy who, he knew, could not well produce a greater number in the field. He advanced by the coaſt road towards Liſbon, for the ſubſtantial reaſon, amongſt others, of preſerving his communication with the ſhipping, from which alone he could derive his bread. Wine could be found in all the villages occupied by the army, and ſlaughter cattle were furniſhed by contractors.

It appears, that the army marched, on the 9th and 10th of Auguſt, from Mondego, having horſes, although indifferent, for 18 pieces of cannon, for ammunition great and ſmall, a conſiderable ſtore of bread, and a moderate hoſpital eſtabliſhment. The cavalry, about 400, including 200 Portugueſe.

On the 10th and 11th, they arrived at Leyria.

On the 13th, marched to Calveria.

On the 14th, to Alcabaça, where they received bread and oats, landed at Nazareth.

On the 15th, to Caldas, and halted the 16th, receiving further ſupplies from Nazareth.

It appears, that hitherto the Portugueſe had moved on his left, extending towards the Tagus, but they now raiſed ſuch difficulties about ſubſiſtence, and proceeding on the manner Sir Arthur Welleſley thought moſt adviſable, that he diſpenſed with their co-operation, on condition they would ſend him 1600 men, to be at his diſpoſal, and to whom he was to furniſh bread. He alſo recommended to their General, as a meaſure of ſafety, to remain about Caldas, which they did till after the battle of Vimiera.

On the 17th, there was a very conſiderable action near Obidos, with a corps of 6000 men, under General Laborde, who had taken poſt in the defiles, and was forced to retire with conſiderable loſs. This and a ſmall previous action coſt us about 480 men. The army was that night at Valla Verde, and on the morning of the 18th heard of the arrival of General Anſtruther's brigade on the coaſt.

On the 18th, the army marched to Lourinha, and on the 19th to Vimiera, where it halted on the 20th.—This day Brigadier-General Anſtruther's brigade (2400 men) joined, and Lieutenant-General Sir Harry Burrard arrived off Marceira in the afternoon.

On the 21ſt, early in the morning, Brigadier-General Acland's brigade (1750 men) landed, and joined the army.

It appears, that when Sir Arthur Welleſley was at Leyria, the enemy had the two conſiderable advanced corps of Laborde and Loiſon in their front, which (as he moved on with a Portugueſe corps on his left, as far as Alcabaça) fell back towards Liſbon, and joined Junot, who had aſſembled, by the 20th, from 12 to 14,000 men, at Torres Vedras, about eight miles from Vimiera. Calculating probably, that the weather might diſappoint the landing of Anſtruther's and Acland's brigades, whom he muſt have eſpied in the offing on the 19th and 20th, he determined to attack Sir Arthur Welleſley's army in its ſituation at Vimiera, on the

21ſt, before the junction of ſo conſiderable a force. In this enterpriſe General Junot completely failed. His attack was repelled in the moſt gallant manner, and with great loſs he was obliged to retreat upon Torres Vedras, and Cabeça de Monte Chique, where he endeavoured to re-aſſemble his troops. The detail of this honourable action, in which we loſt 700 men, is given in the Extraordinary Gazette of September 16, publiſhed upon this occaſion.

It appears, that Lieutenant-General Sir Harry Burrard having, on the 21ſt July, received notice of Your Majeſty's appointment of him as ſecond in command of the forces placed under the command of Lieutenant-General Sir Hew Dalrymple, and having alſo received all neceſſary inſtructions, went immediately to Portſmouth, embarked on the 27th, and ſailed on the 31ſt, in the Audacious, together with the fleet of tranſports, containing a corps of 10,000 infantry, commanded by Lieutenant-General Sir John Moore.

After a continuance of contrary wind and bad weather, the fleet was near Cape Finiſterre on the 16th Auguſt; and it having been recommended to him, that before he proceeded to the ſouthward of Oporto, he ſhould himſelf go there, or ſend another perſon, to collect information, and meet the fleet at ſea, he ſhifted, with ſeveral Officers of his ſtaff, to the Brazen ſloop, and arriving at Oporto on the 17th, learnt that Sir Arthur Welleſley had landed at Mondego, and proceeded along the coaſt-road to the ſouthward.

On the 18th, he arrived off Mondego, and there found diſpatches from Sir Arthur Welleſley, recommending that Sir John Moore's corps ſhould land at Mondego, and march upon Santarem, to confine the movements of the enemy on that ſide; and alſo ſtating that the army muſt depend on the tranſports for bread, and that reliance could not be placed on the reſources of the country.

The difficulty of equipping and ſupplying Sir John Moore's corps for an interior operation at a diſtance from the reſt of the army, and thinking that if thus acting ſeparately, towards Santarem, he muſt have been inferior to the enemy if they choſe to puſh that way; and on enquiry, not having been able to hear of 150

mules promiſed by the Biſhop of Oporto, Sir Harry Burrard was induced for the preſent to decline the propoſed operation.

Sir Harry Burrard proceeded in the Brazen to the ſouthward, and in the evening of the 19th received information of the action of the 17th, near Obidos. He immediately ſent back Lieutenant-Colonel Donkin to meet Sir John Moore, and directed him to land in the Mondego Bay; and under a knowledge of Sir Arthur Welleſley's former diſpatches (which he tranſmitted) to act as he thought moſt beneficial to the ſervice in his ſupport. He alſo ſent off Lieutenant-Colonel Carey to land at St. Martines, and to communicate with Sir Arthur Welleſley.

It appears, that Sir John Moore did arrive at Mondego on the 20th; that he began to diſembark; that on the 22d he received an order from Sir Harry Burrard, to re-embark ſuch as he had landed, and proceeded to Marceira; that he arrived on the 24th at Marceira Bay; and that he diſembarked his corps on the days from the 25th to the 29th, the ſeveral diviſions joining the army as they landed.

It appears, that on the evening of the 20th of Auguſt, when Sir Harry Burrard arrived off the landing-place of Marceira, he was going to land, when Sir Arthur Welleſley came on board, gave an account of the general ſtate of things, and ended by ſaying, that he had intended to march the next morning, by five o'clock, by the Mafra road, the enemy having aſſembled his forces at Torres Vedras.

On detailing the many difficulties to be encountered, ſuch as the impoſſibility of leaving his victuallers and the ſhore, for any conſiderable diſtance, the inferior number of his cavalry, and the ſtate of his artillery and carriage horſes and mules, the ſtrength of the ground he had to go over, which preſented many difficulties, and the very little dependence which could be placed on the Portugueſe aſſiſtance, Sir Harry Burrard, on due conſideration of all circumſtances, decided, that it was more advantageous to wait for Sir John Moore's reinforcement, than to run any riſk of defeating the great object, or of ſacrificing a great many men without its complete accompliſhment. [In this determination, Sir Harry

Burrard ſtates, he was confirmed, by the opinions of Brigadier-General Clinton and Colonel Murray, his Adjutant and Quarter-maſter Generals.] He therefore gave orders to Sir Arthur Wellesley accordingly, that the army was not to proceed on the morning of the 21ſt, and more eſpecially, as the landing and junction of General Acland's brigade, on the night of the 20th, was yet unaccompliſhed and neceſſarily uncertain.

It appears, that Sir Arthur Wellesley returned to Vimiera, and Sir Harry Burrard remained on board ſhip the night of the 20th, to complete his neceſſary diſpatches by the return of the Brazen ſloop.

During the night of the 20th, and the morning of the 21ſt, our patroles gave intelligence of the movements of the enemy; but being inferior in cavalry, they could go to no diſtance, and their reports were vague. As Sir Arthur Wellesley thought it probable, if he did not attack the enemy, that they would attack him, he prepared to receive them at daylight in the morning, by poſting the nine-pounders and ſtrengthening his centre, where he expected the attack, from the manner of the enemy's patroling.

The enemy firſt appeared in force on our left, about eight in the morning, and it was ſoon obvious that their attack would be made on our left, and on our advanced guard before Vimiera; the poſition of the greater part of the army was immediately changed by an extenſion to the left. The action commenced, and was concluded, in the manner detailed in the Extraordinary Gazette, and terminated in a victory honourable and glorious to the Britiſh arms.

It appears, that Sir Harry Burrard had no information from, or communication with, Sir Arthur Wellesley during the night of the 20th; but on the morning of the 21ſt, about nine o'clock, juſt as he was approaching the ſhore, he met an officer, ſent by Sir Arthur Wellesley, with information, that large bodies of the enemy had been ſeen moving towards our left.—Sir Harry Burrard proceeded towards Vimiera, with as much expedition as an indifferent horſe would allow, on a hilly road; being two and a half miles from the landing-place. He arrived there before ten, at a time that the advanced corps (Anſtruther's and Fane's brigades)

were vigorouſly attacked. The Officers conducting Sir Harry Burrard paſſed through the village, and brought him to Sir Arthur Welleſley, on the heights behind the villages, where the left of the army had been originally poſted. Here he was informed, ſaw, and approved of, the ſteps taken by Sir Arthur Welleſley to repulſe the enemy, and directed him to proceed in the execution of an operation he had ſo happily and ſo well begun.

By this time it was evident that the attack upon the village and advanced corps was not meant to be further ſupported; it was completely repulſed, and the enemy retired in conſiderable confuſion. They were not followed by the infantry, as the troops had received orders not to quit their poſition, without particular order from Sir Arthur Welleſley. The detachment of the 20th light dragoons alone purſued, but falling in with a ſuperior cavalry, were ſoon obliged to return with conſiderable loſs. This order had been very properly given, on a conſideration that the principal effort of the enemy would ſtill be made on our left, and upon this point the enemy had juſt opened his cannonade, and the brigade under Major-General Ferguſon was already engaged at diſtant muſketry. As ſupport arrived, he advanced, and the enemy gave way, abandoning three pieces of cannon. Major-General Ferguſon ſtill advanced, and a mile from where the firſt battery was taken, another alſo was taken. The enemy finally made an attempt to regain their laſt battery, but were repulſed by the 71ſt and 82d regiments, and obliged to retire with great loſs.

Soon after twelve the firing had ceaſed, and the enemy's cavalry were ſeen from our left, in bodies of about 200, by General Ferguſon; and about the ſame time General Spencer ſaw a line formed, about three miles in front of our centre.

About half-paſt twelve, Sir Arthur Welleſley propoſed to Sir Harry Burrard to advance from his right, with three brigades upon Torres Vedras, and with the other five brigades to follow the enemy, who had been defeated by our left.

It appears that the ſituation of the army at this moment was—on the right, Major-General Hill's brigade, which had not been engaged, was on the height behind

Vimiera, and at a diſtance of about three miles from thoſe of Generals Ferguſon and Nightingale on the left. In front of Vimiera, and in the centre, were the brigades of Anſtruther and Fane, which had been warmly engaged. Brigadier-Generals Bowes's and Acland's brigades were advanced on the heights, towards the left, in ſupport of Generals Ferguſon and Nightingale. Brigadier-General Craufurd's brigade was detached rather to the rear of the left, about half a mile from Major-General Ferguſon, to ſupport the Portugueſe troops, making front in that direction.

It appears, that although the enemy was completely repulſed, the degree of expedition with which a purſuit could be commenced, conſidering the extended poſition of the army at that time, and the precaution to be taken againſt the ſuperior cavalry of the enemy, muſt have depended on various local circumſtances only to be calculated by thoſe upon the ſpot.

This very circumſtance of a ſuperior cavalry retarding our advance, would allow the enemy's infantry, without any degree of riſk, to continue their retreat in the moſt rapid manner, till they ſhould arrive at any given and advantageous point of rallying and formation; nor did Sir Arthur Welleſley, on the 17th of Auguſt, when the enemy had not half the cavalry as on the 21ſt, purſue a more inconſiderable and beaten army with any marked advantage; for he ſays *(Gazette Extraordinary)* "The enemy retired with the utmoſt regularity, and "the greateſt celerity; and, notwithſtanding the rapid "advance of the Britiſh infantry, the want of a ſuffi- "cient body of cavalry was the cauſe of his ſuffering but "little loſs in the plain"—and again, "He ſucceeded in "effecting his retreat in good order, owing principally "to my want of cavalry."

It may alſo be conſidered, that as the attack on our centre had been repulſed long before that on our left had, the attacking corps, which, as has been obſerved, was not purſued (but by the 20th dragoons, not exceeding 150), had time (above an hour) to reaſſemble, and to occupy ſuch ground as might afterwards facilitate the retreat of their right, and that the enemy were actually and viſibly formed in one or more lines at about three miles in front of the centre.

From these and other fair military grounds, as allowed by Sir Arthur Wellesley; from those that occurred in Sir Harry Burrard's first interview with Sir Arthur Wellesley; from the utmost certainty of the immediate arrival of Sir John Moore's corps, which, if they had not stopt at Mondego Bay, would have been at Marceira on the 21st; Sir Harry Burrard declined making any further pursuit that day, or ordering the army to march next morning early.—[In this opinion Sir Harry Burrard states Brigadier-General Clinton and Colonel Murray concurred.]

On the 22d, Sir Hew Dalrymple arrived, and assumed the command of the army.

It appears that Lieutenant-General Sir Hew Dalrymple having, on the 7th of August, received Your Majesty's commands of the 15th July, to take the command of the forces to be employed in Portugal and Spain, and that Lieutenant-General Sir Harry Burrard was to be second in command, he sailed with the first fair wind from Gibraltar on the 13th of August, communicated with Lord Collingwood off Cadiz, and on the 19th with Admiral Sir Charles Cotton off the Tagus, from whom he received information of the army under Sir Arthur Wellesley, then landed in Portugal, and also that Brigadier-General Acland, with his brigade, was on the coast, looking for an opportunity of joining him. Sir Hew Dalrymple sailing along the coast with an intention of making Mondego Bay, heard of the action of the 21st; and that Sir Harry Burrard was arrived; this determined him to make for Marceira Bay, where transports were at anchor. He landed in Marceira Bay early in the forenoon of the 22d, proceeded to Vimiera, about two miles and a quarter distant, and after a short conversation with his two predecessors in command, whose instructions were those by which he was to act, he ordered the army to march early in the morning of the 23d, undoubtedly as soon as it could be put in motion after his arrival.

It appears that in this situation of things the French General Kellermann arrived about noon of the 22d at Vimiera, with proposals for a *suspension of arms*, in order to settle a definitive Convention for the evacuation of Portugal by the French army. Lieutenant-Generals

Sir Harry Burrard and Sir Arthur Wellesley assisted the Commander of the forces in the discussions that took place on this subject; and it appearing to them, under all circumstances, as commanding a force acting in alliance with the sovereign of Portugal, and combating in their own country (from whence we then derived no material assistance), against an enemy in actual possession of their capital, their fortresses, and, in a military point of view, of their kingdom, that a Convention, or Capitulation, if the opportunity offered, which should speedily and honourably expel the French army from Portugal, was expedient and advisable, a cessation of arms was agreed upon, to terminate at 48 hours notice. The leading articles of a Convention were also settled, and General Kellermann returned towards Lisbon, about nine at night, with the instrument stated in the Extra Gazette of the 16th of Sept. but not to be considered as effectual without the concurrence of Admiral Sir Charles Cotton.

Early on the 23d, in the morning, Lieutenant-Colonel Murray, Quarter-Master-General, set out with the proposed agreement, to procure the concurrence of the Admiral, and returned in the night of the 24th, with Sir Charles Cotton's answer, that he could not accede, but that he would enter into treaty with the Russian Admiral.

It appears that Sir Charles Cotton having declined to sanction the Russian article, the Commander of the forces conceived the Armistice to end, and determined on sending Lieutenant-Colonel Murray to announce the recommencement of hostilities, at the end of forty-eight hours, in order, if General Junot chose it, that we might treat on the remaining articles as a basis. This officer had powers to treat without delay. He had the Commander of the forces' letter of the 25th, and certain memoranda of Sir Arthur Wellesley, as laid before the Board, which shewed the exact footing on which he was to act, as also General Kellermann's sentiments on the Russian question. Early on the 27th, communication was had from General Junot and Lieutenant-Colonel Murray, that a treaty was in agitation, which was answered.

It appears that when the proposed treaty (ratified by

General Junot) of the 28th Auguſt, was brought by Captain Dalrymple on the 29th to head-quarters Ramalhal, all the Lieutenant Generals (Burrard, Moore, Hope, Fraſer, Welleſley) were preſent, Lord Paget excepted (becauſe not long previouſly ſummoned). The propoſed treaty was, however, formally diſcuſſed. Minutes of propoſed alterations were taken by Sir Arthur Welleſley, as laid before the Board, and the Commander of the forces has no reaſon to believe that Sir John Moore, or any of the Lieutenant-Generals that came with him, expreſſed any diſapprobation of the ſtate and terms of the negotiation.

The treaty, with the alterations propoſed, was retranſmitted to Lieutenant-Colonel Murray.

It appears when the treaty concluded by Lieutenant-Colonel Murray on the 30th, was brought by him to Torres Vedras on the 31ſt for ratification, the Lieutenant-Generals preſent were convened, and Sir Arthur Welleſley was ſent for. Lord Paget, who was at a diſtance, did not come, nor did Sir Arthur Welleſley, his corps having marched that morning. The other Lieutenant-Generals met (Burrard, Moore, Fraſer, Hope), the alterations made by Lieutenant-Colonel Murray were approved, and the treaty then ratified by the Commander of the forces (Sir Hugh Dalrymple) with the approbation of the Lieutenant-Generals preſent.

Some of the articles of the treaty of the 28th, before objected to by the Lieutenant-Generals, were altered in that of the 30th, and ſome other good alterations had been inſerted, not before ſuggeſted. A compariſon of the treaty of the 28th, and that ratified, will ſhew the alterations.

The meetings of the Lieutenant-Generals, the Commander of the forces did not call, or conſider as regular councils of war. He ſought to benefit from their talents and experience, by conſulting them on exigent caſes, and by purſuing the meaſure he might himſelf deem moſt for the good of Your Majeſty's ſervice, after availing himſelf of the advantage he might draw from their reaſonings, and he does not recollect there was any diſſentient opinion on the 31ſt, as to the ratification of the Convention.

It appears that Sir John Moore's corps having arrived at Mondego Bay on the 20th of Auguſt, began to diſembark; that they re-embarked, and arrived off Marceira Bay on the 24th; that from the 25th to the 29th they landed under conſiderable difficulties, and ſucceſſively joined the army at Torres Vedras.

It appears that ſome of the principal advantages to ariſe from the Convention were in the contemplation of the Generals.

That it immediately liberated the kingdom of Portugal from the dominion of the French, thereby reſtoring to the inhabitants their capital and fortreſſes, their principal ſea-ports, their perſonal liberty, property, religion, and eſtabliſhed government.

That it relieved a great extent of Spaniſh frontier from all apprehenſions of an enemy, and the whole of Spain from that of having an enemy behind them, and allowed all parts of Spain to take more effective meaſures for its general defence; as well as permitted Portugal immediately to contribute for their mutual ſupport.

That it enabled the Britiſh army immediately to enter Spain, if required, by central routes, while it tranſported the French force to a very diſtant part of their own coaſt, far removed from the Spaniſh frontier.

That it immediately releaſed 4000 Spaniſh ſoldiers, and ſent them to the defence of Catalonia; it alſo releaſed from the Portugueſe frontier another body of 2000 Spaniſh troops. The Portugueſe army alſo became diſpoſable for the common cauſe.

To the men of war and tranſports, which, at this ſeaſon of the year, with great difficulty could keep their ſtation near the coaſt, and on whoſe preſence the ſupplies and operations of the army depended, the opening of the Tagus afforded immediate ſhelter.

It is further urged by the Generals, as much more than probable, that if the enemy had been required to lay down their arms, and ſurrender priſoners of war, they would not have complied; but if driven to extremity, that they would have retired upon Liſbon, reinforced by 6000 Ruffians, who muſt have been thus compelled to ſhare their fate; and in the temporary attack of

this city, much calamity and deſtruction muſt have enſued.

Alſo that, maſters of the Ruſſian fleet, and of the boats and ſhipping in the Tagus, the paſſage of the river was enſured to them; that they could have defended, for a conſiderable time, its eaſt bank, and prevented the occupation of the Tagus by our fleet; that, with the ſtrong fortreſſes of Alentejo in their poſſeſſion, they could have protracted a deſtructive war, to the great detriment of Portugal and the Spaniſh cauſe, by finding employment for the greater part of the Britiſh army, for the remainder of the year, and whoſe difficulties and loſſes in ſuch operation muſt have been very conſiderable.

It appears, that the forts on the Tagus were taken poſſeſſion of on the 2d of September, by the Britiſh troops, and the port was then opened to our ſhipping: that on the 5th the army had its right at St. Juliens, and its left on the heights of Bellas: that on the 8th or 9th a Britiſh corps marched into Liſbon, to enſure the tranquillity of that city, during the embarkation of the enemy, who were all ſent off (except the laſt diviſion, purpoſely detained) before the end of the month, and part of the Britiſh army was then actually on its route towards the Spaniſh frontier.

It appears that, during the diſcuſſion, and afterwards during the execution of the Convention, much firmneſs was ſhewn in reſiſting the pretenſions and interpretations of the enemy; every ſtipulation being reſtricted to its fair, honourable, and grammatical meaning, and the French not allowed to carry off, but obliged to diſgorge plunder, which they affected to conſider as private property.

It appears that pains were taken to miſrepreſent and raiſe a clamour in Portugal againſt this Convention; but when it was generally known, and its effects felt, the people of Liſbon, and of the country, ſeem to have expreſſed their gratitude and thanks for the benefits attending it.

It has been urged by Sir Hew Dalrymple, and allowed by Major-General Spencer, that in Egypt, in 1801 (after the victory of the 21ſt of March, the French having thrown their whole force into Alexan-

dria and Grand Cairo, about 10,000 men in each place), that at the ſiege of Alexandria, in Auguſt, the country was in the full poſſeſſion of the Britiſh and Turks. The garriſon, cut off from every poſſibility of relief, could only have held out ſome days, when a capitulation was granted to it, September the 2d, as favourable as the Convention of Cintra to the army of Junot (of 24,000 French, and 6000 Ruſſians), and perfectly ſimilar in all the chief articles of men, baggage, artillery, conveyance, &c.; alſo, that the ſame terms had been previouſly granted to the garriſon of Cairo, under much the ſame circumſtances. By theſe two Conventions, or Capitulations, above 20,000 French evacuated Egypt, and the Britiſh army was left diſpoſable for other purpoſes.

On the whole it appears, that the operations of the army under Sir Arthur Welleſley, from his landing in Mondego Bay the 1ſt of Auguſt, until the concluſion of the action at Vimiera, the 21ſt of Auguſt, were highly honourable and ſucceſsful, and ſuch as might be expected from a diſtinguiſhed General at the head of a Britiſh army of 13,000 men, augmented on the 20th and 21ſt to 17,000, deriving only ſome ſmall aid from a Portugueſe corps (1600 men), and againſt whom an enemy, not exceeding 14,000 men in the field, was oppoſed; and this before the arrival of a very conſiderable reinforcement from England, under Lieut.-General Sir John Moore, which however did arrive and join the army, from the 25th to the 30th of Auguſt.

It appears a point on which no evidence adduced can enable the Board to pronounce with confidence, whether or not a purſuit after the battle of the 21ſt, could have been efficacious; nor can the Board feel confident to determine on the expedience of a forward movement to Torres Vedras, when Sir Harry Burrard has ſtated weighty conſiderations againſt ſuch a meaſure. Further, it is to be obſerved, that ſo many collateral circumſtances could not be known in the moment of the enemy's repulſe, as afterwards became clear to the army, and have been repreſented to the Board. And conſidering the extraordinary circumſtances under which two new Commanding Generals arrived from the ocean, and joined the army (the one during, and the other imme-

diately after, a battle, and those successively superseding each other, and both the original Commander within the space of 24 hours), it is not surprising that the army was not carried forward, until the second day after the action, from the necessity of the Generals being acquainted with the actual state of things, and of their army, and proceeding accordingly.

It appears that the Convention of Cintra in all its progress and conclusion, or at least all the principal articles of it, were not objected to by the five distinguished Lieutenant-Generals of that army; and other General Officers who were on that service, whom we have had an opportunity to examine, have also concurred in the great advantages that were immediately gained, to the country of Portugal, to the army and navy, and to the general service, by the conclusion of the Convention at that time.

On a consideration of all circumstances, as set forth in this Report, we most humbly submit our opinion, that no further military proceeding is necessary on the subject. Because, however some of us may differ in our sentiments respecting the fitness of the Convention in the relative situation of the two armies, it is our unanimous declaration, that unquestionable zeal and firmness appear throughout to have been exhibited by Lieut. Generals Sir Hew Dalrymple, Sir Harry Burrard, and Sir Arthur Wellesley, as well as that the ardour and gallantry of the rest of the officers and soldiers, on every occasion during this expedition, have done honour to the troops, and reflected lustre on Your Majesty's arms.

All which is most dutifully submitted.

(Signed) DAVID DUNDAS, General.
MOIRA, General.
PETER CRAIG, General.
HEATHFIELD, General.
PEMBROKE, Lieut.-Gen.
G. NUGENT, Lieut.-Gen.
OL. NICOLLS, Lieut.-Gen.

Dec. 22, 1808.

Judge Advocate General's Office, Dec. 27, 1808.

In conſequence of the following letter from His Royal Highneſs the Commander in Chief, to General Sir David Dundas, as Preſident, viz.

SIR, *Horſe Guards, Dec. 25, 1808.*

The Judge Advocate General having delivered to me, to be laid before His Majeſty, the ſeveral papers and documents, containing all the examinations and proceedings taken before the Board of Enquiry, of which you are the Preſident, together with your report and opinion upon the whole of the late operations of His Majeſty's forces in Portugal, as connected with the Armiſtice and ſubſequent Convention of Cintra, I think it incumbent on me to ſtate to you, that although the report is fully detailed, and perfectly explanatory of all the tranſactions as they appeared in evidence before you; yet upon a due conſideration of the whole matter, it certainly appears that your opinion upon the conditions of the Armiſtice and Convention, which the words of His Majeſty's warrant expreſſly enjoin ſhould be ſtrictly examined, enquired into, and reported upon, has been altogether omitted.

I feel it my duty, therefore, to call your attention to theſe two principal features of this important caſe, the Armiſtice and Convention, and to deſire that you may be pleaſed to take the ſame again into your moſt ſerious conſideration, and ſubjoin to the opinion which you have already given upon the other points ſubmitted to your examination and enquiry, whether, under all the circumſtances which appear in evidence before you, on the relative ſituation of the two armies, on the 22d of Auguſt 1808, it is your opinion that an Armiſtice was adviſable, and if ſo, whether the terms of that Armiſtice were ſuch as ought to have been agreed upon; and whether upon a like conſideration of the relative ſituation of the two armies ſubſequent to the Armiſtice, and when all the Britiſh forces were landed, it is your opinion that a Convention was adviſable, and if ſo, whether the terms of that Convention were ſuch as ought to have been agreed upon.

I am the more desirous that you should resume the consideration of these two points, the Armistice and Convention, as it appears upon the face of your Report, that a difference of opinion exists among the Members of the Board, which may probably produce a dissent from the majority upon these very questions. You will be pleased, therefore, to desire such of the Members as may be of a different opinion from the majority upon these two questions, to record upon the face of the proceedings their reasons for such dissent.

I am, Sir, yours,

(Signed) FREDERICK,
Commander in Chief.

Gen. Sir David Dundas, K. B.

The Board met this day at the Judge Advocate General's Office, when the said letter having been read, they agreed that the following questions should be put to each of the Members of the Board:—

APPROVE.	Do you, or do you not approve of the Armistice as concluded on the 22d of Aug. 1808, in the relative situation of the two armies?	DISAPPROVE.
Lt.-Gen. Nicolls Lt.-Gen. Sir G. Nugent Earl of Pembroke Lord Heathfield General Craig Gen. Sir D. Dundas		Earl of Moira.

APPROVE.	Do you, or do you not approve of the Convention as concluded upon the 31st of Aug. 1808, in the relative situation of the two armies?	DISAPPROVE.
Lt.-Gen. Sir G. Nugent Gen. Lord Heathfield General Craig Gen. Sir D. Dundas		Lt.-Gen. Nicolls Earl of Pembroke Earl of Moira

(Signed) DAVID DUNDAS, President.

My reason for considering the Armistice as advisable on the 22d of August was, because the enemy had been able to retire after the battle of the 21st, and take up a strong defensive position.

Ol. Nicolls, L. G.

I think, conſidering the great increaſe of our force from the firſt ſuſpenſion of hoſtility to the definitive ſigning of the Convention, added to the defeat the enemy had ſuffered, Sir Hew Dalrymple was fully entitled to have inſiſted upon more favourable terms.

OL. NICOLLS, L. G.

I approve of the Armiſtice after a due conſideration of the relative ſituations of the two armies on the evening of the 22d of Auguſt, but I cannot fully approve of the whole of the Convention, after a due conſideration of the relative ſituation of the two armies at that time; becauſe it does not appear to me that, in the progreſs of the negotiation, ſufficient ſtreſs was laid upon the great advantages which had reſulted, or were likely to reſult, from the former ſucceſsful operations of the Britiſh army in the field, from the conſiderable reinforcements which had joined it, ſubſequent to the commencement of the negotiation, from the cauſe in which the Britiſh army was engaged being the cauſe of Portugal, which gave good reaſon to reckon upon the goodwill, if not upon the active aſſiſtance, of the majority of the inhabitants; and, alſo, from the unuſual readineſs which, as it appears to me, was manifeſted by General Junot to enter into negotiation, and by the French negotiator to accede to terms as they were propoſed, and to ſuch conſtruction as Lieutenant-General Sir Hew Dalrymple put upon them in ſome inſtances, where they might have borne a difference of interpretation. I therefore think it probable, for the above reaſons, that if leſs favourable terms to the French army had been inſiſted upon, they would have been acceded to.

PEMBROKE, Lieutenant-General.

I feel leſs awkwardneſs in obeying the order to detail my ſentiments on the nature of the Convention, becauſe that I have already joined in the tribute of applauſe due in other reſpects to the Officers concerned. My opinion, therefore, is only oppoſed to theirs on a queſtion of judgment, where their talents are likely to have ſo much more weight, as to render the profeſſion of my difference, even on that point, ſomewhat painful.

duty is, however, imperious on me not to disguise or qualify the deductions which I have made during this investigation.

An Armistice simply might not have been objectionable, because Sir Hew Dalrymple, expecting hourly the arrival of Sir John Moore's division, might see more advantage for himself in a short suspension of hostilities, than what the French could draw from it. But as the Armistice involved, and in fact established, the whole principle of the Convention, I cannot separate it from the latter.

Sir Arthur Wellesley has stated, that he considered his force, at the commencement of the march from the Mondego river, as sufficient to drive the French from their positions on the Tagus. That force is subsequently joined by above 4000 British troops, under Generals Anstruther and Acland. The French make an attack with their whole disposable strength, and are repulsed with heavy loss, though but a part of the British army is brought into action. It is difficult to conceive that the prospects which Sir Arthur Wellesley entertained could be unfavourably altered by these events, even had not the certainty of speedy reinforcements to the British army existed.

It is urged, that, had the French been pushed to extremity, they would have crossed the Tagus, and have protracted the campaign in such a manner as to have frustrated the more important view of the British Generals; namely, sending succours into Spain.

This measure must have been equally feasible for the French if no victory had been obtained over them; but I confess that the chance of such an attempt seems to me assumed against probability. Sir Hew Dalrymple notices what he calls "the critical and embarrassed state of Junot," before that General has been pressed by the British army; and, in explanation of that expression, observes, that the surrender of Dupont, the existence of the victorious Spanish army in Andalusia, which cut off the retreat of the French in that direction, and the universal hostility of the Portuguese, made the situation of Junot one of great distress. No temptation for the translation of the war into Alentejo presents itself from this picture; nor does any other representation give ground to suppose, that Junot could have contemplated

the meaſure as holding forth any proſpect but ultimate ruin, after much preliminary diſtreſs and diſgrace. The ſtrongeſt of all proofs as to Junot's opinion, ariſes from his ſending the very morning after the battle of Vimiera, to propoſe the evacuation of Portugal; a ſtep which ſufficiently indicated that he was ſatisfied he could not only make no effectual defence, but could not even prolong the conteſt to take the chance of accidents. He ſeems, indeed, to have been without any real reſource.

It appears in evidence, that of the troops left by him in Liſbon and the forts, a conſiderable proportion were of very doubtful quality. Thoſe troops on whoſe fidelity he could conſide, had been diſmayed by a ſignal defeat, and they were ſenſible that they had no ſuccour to look to from abroad. To the Britiſh Generals it was known, when the Armiſtice was granted, that 10,000 men under Sir John Moore, as well as the 3d and 42d regiments of foot, with the 18th dragoons, might be immediately reckoned upon; and although much advantage had not been drawn from the Portugueſe troops, their ſupport and the general violence of the country againſt the French, cannot be laid out of this calculation.

The diſparity of force and of circumſtances was, then, ſuch as could leave no doubt that the iſſue muſt be favourable to us. I do not admit advertence to the difficulties urged as poſſible to occur in furniſhing the Britiſh army with bread. But, putting aſide the obvious ſolution, that ſuch a temporary privation is not ruinous to an army where cattle can be procured in the country, this difficulty cannot be well pleaded, if admiſſion is to be given to the ſpeculation, that the heavy cannon neceſſary for battering forts St. Julien and Caſcaes were to be got aſhore in the bays of the Rock of Liſbon. The queſtion then comes to this: whether the Convention did (as has been aſſerted) ſecure all the objects which were propoſed in the expedition? If it did not, it was not what His Majeſty was entitled to expect from the relative ſituation of the two armies.

I humbly conceive it to have been erroneous to regard the emancipation of Portugal from the French, as the ſole or the principal object of the expedition.—Upon whatever territory we contend with the French, it

muſt be a prominent object in the ſtruggle to deſtroy their reſources, and to narrow their means of injuring us, or thoſe whoſe cauſe we are ſupporting. This ſeems to have been ſo little conſidered in the Convention, that the terms appear to have extricated Junot's army from a ſituation of infinite diſtreſs, in which it was wholly out of play, and to have brought it, in a ſtate of entire equipment, into immediate currency, in a quarter too, where it muſt interfere with our moſt urgent and intereſting concerns.

Had it been impracticable to reduce the French army to lay down its arms unconditionally, ſtill an obligation not to ſerve for a ſpecified time might have been inſiſted upon, or Belleiſle might have been preſcribed as the place at which they ſhould be landed, in order to prevent the poſſibility of their reinforcing (at leaſt for a long time) the armies employed for the ſubjugation of Spain. Perhaps a ſtronger conſideration than the merit of thoſe terms preſents itſelf. Opinion relative to the Britiſh arms was of the higheſt importance, as it might influence the confidence of the Spaniards, or invite the nations groaning under the yoke of France, to appeal to this country, and co operate with it for their deliverance. The advantages ought, therefore, to have been more than uſually great, which ſhould be deemed ſufficient to balance the objection of granting to a very inferior army, hopeleſs in circumſtances, and broken in ſpirit, ſuch terms as might argue, that, notwithſtanding its diſparity in numbers, it was ſtill formidable to its victors. No advantages ſeem to have been gained that would not have equally followed from forcing the enemy to a more marked ſubmiſſion. The gain of time as to ſending ſuccours into Spain cannot be admitted as a plea; becauſe it appears that no arrangements for the reception of our troops in Spain had been undertaken previous to the Convention; and this is without reaſoning on ſubſequent facts.

The Convention in Egypt, which has been advanced as a parallel caſe, appears to me inapplicable. No object beyond the diſlodgment of the French from Egypt was there in queſtion. In the preſent inſtance, the operation of the Convention upon the affairs of Spain was a conſideration of primary intereſt; and in that

view, the inevitable effect of ſome of the articles offers itſelf to my mind as liable to material objection.

I truſt that theſe reaſons will vindicate me from the charge of preſumption, in maintaining an opinion contradictory to that profeſſed by ſo many moſt reſpectable Officers; for, even if the reaſons be eſſentially erroneous, if they are concluſive to my mind (as I muſt conſcientiouſly affirm them to be), it is a neceſſary conſequence that I muſt diſapprove the Convention.

MOIRA, General.

December 27, 1808.

APPENDIX,

Which ſhould have followed Sir ARTHUR WELLESLEY'S OBSERVATIONS, at Page 96.

Definitive Convention for the Evacuation of Portugal by the French Army.

THE Generals commanding in chief the Britiſh and French armies in Portugal, having determined to negotiate and conclude a Treaty for the evacuation of Portugal by the French troops, on the baſis of the agreement entered into on the 22d inſtant, for a ſuſpenſion of hoſtilities, have appointed the under-mentioned officers to negotiate the ſame in their names, viz. on the part of the General in Chief of the Britiſh Army, Lieutenant-Colonel Murray, Quarter-maſter General; and on the part of the General in Chief of the French army, Monſieur Kellermann, General of Diviſion; to whom they have given authority to negotiate and conclude a Convention to that effect, ſubject to their ratification reſpectively, and to that of the Admiral commanding the Britiſh fleet at the entrance of the Tagus.

Theſe two officers, after exchanging their full powers, have agreed upon the articles which follow.

Art. I. All the places and forts in the kingdom of Portugal, occupied by the French troops, ſhall be delivered up to the Britiſh army, in the ſtate in which they are at the period of the ſignature of the preſent Convention.

Art. II. The French troops ſhall evacuate Portugal with their arms and baggage; they ſhall not be conſidered as priſoners of war, and on their arrival in France they ſhall be at liberty to ſerve.

Art. III. The Engliſh government ſhall furniſh, at its expence, the means of conveyance for the French army, which ſhall be diſembarked in any of the ports of France between Rochefort and L'Orient incluſively.

Art. IV. The French army ſhall carry with it all its artillery of French calibre, with the horſes belonging

to it, and the tumbrils ſupplied with ſixty rounds per gun.

Art. V. The French army ſhall carry with it all its equipments, and all that is comprehended under the name of property of the army; that is to ſay, its military cheſt, and the carriages attached to the field commiſſariat and field hoſpitals: or ſhall be allowed to diſpoſe of ſuch part of the ſame, on its account, as the Commander in Chief may judge it unneceſſary to embark. In like manner all individuals of the army ſhall be at liberty to diſpoſe of their private property of every deſcription, with full ſecurity hereafter for the purchaſers.

Art. VI. The cavalry are to embark their horſes, and the generals and other officers the number allowed to each by the regulations of the French ſervice; it is, however, fully underſtood that the means of conveyance for the horſes at the diſpoſal of the Britiſh commanders are very limited; ſome additional conveyance may be procured in the port of Liſbon; and at all events every facility will be given to diſpoſe of the horſes belonging to it, which cannot be embarked.

Art. VII. In order to facilitate the embarkation, it ſhall take place in three diviſions, the laſt of which will be principally compoſed of the garriſons of places, of the cavalry, the artillery, the ſick, and the equipments of the army.

Art. VIII. The garriſon of Elvas and its forts, and of Peniche and Palmella, will be embarked at Liſbon; that of Almeida at Oporto, or the neareſt harbour. They will be accompanied on their march by Britiſh commiſſaries, charged with providing for their ſubſiſtence and accommodation.

Art. IX. All ſick and wounded, who cannot be embarked with the troops, are entruſted to the Britiſh army. They are to be taken care of whilſt they remain in this country, at the expence of the Britiſh government, under the condition of the ſame being reimburſed by France, when the final evacuation is effected. The Engliſh government will provide for their return to France, which ſhall take place by detachments of about 150 or 200 men at a time: a ſufficient number of French medical officers ſhall be left behind to attend them.

Art. X. As ſoon as the veſſels employed to carry the army to France, ſhall have diſembarked it in the harbours ſpecified, or in any other of the ports of France, to which ſtreſs of weather may force them, every facility ſhall be given them to return to England without delay, and ſecurity againſt capture, until their arrival in a friendly port.

Art. XI. The French ſhall be concentrated in Liſbon, and within a diſtance of two leagues from it. The Engliſh army will approach within three leagues of the capital, and will be ſo placed as to leave about one league between the two armies.

Art. XII. The fortreſſes of Elvas, Almeida, Peniche, and Palmella, ſhall be given up as ſoon as the Britiſh troops can arrive to occupy them. In the mean time the General in Chief of the Britiſh army will give notice of the preſent Convention to the garriſons of thoſe places, as alſo to the troops before them, in order to put a ſtop to all further hoſtilities. The occupation of Liſbon, and of the forts of St. Julien and the Bugio, together with the other defences of the Tagus, ſhall take place on the embarkation of the ſecond diviſion of the French army. Immediately on the exchange of the ratification, the Britiſh troops ſhall be put in poſſeſſion of the forts of Caſcaes, and the other forts to the right of St. Julien.

Art. XIII. The tranſports deſtined for the embarkation, and ſuch ſhips of war as may be neceſſary towards that ſervice, ſhall be immediately admitted into the Tagus.

Art. XIV. Commiſſaries ſhall be named on both ſides to regulate and accelerate the arrangements agreed upon.

Art. XV. Should there ariſe doubts as to the meaning of any Article, it ſhall be explained favourably to the French army.

Art. XVI. From the date of the ratification of the preſent Convention by the Commanders in Chief by land and ſea, all contributions or requiſitions ſhall ceaſe, throughout Portugal, on the part of the French army.

Art. XVII. All ſubjects of France, or of powers in friendſhip or alliance with France, domiciliated in Portugal, or accidentally in this country, ſhall be protected; their property of every kind, moveable and im-

moveable, ſhall be reſpected; and they ſhall be at liberty either to accompany the French army, or to remain in Portugal. In either caſe their property is guaranteed to them, with the liberty of retaining or of diſpoſing of it, and paſſing the produce of the ſale thereof into France, or any other country where they may fix their reſidence, the ſpace of one year being allowed them for that purpoſe.

Art. XVIII. No native of Portugal ſhall be rendered accountable for his political conduct during the period of the occupation of this country by the French army. And all thoſe who have continued in the exerciſe of their employments, or who have accepted ſituations under the French government, are placed under the protection of the Britiſh commanders; they ſhall ſuſtain no injury in their perſons or property, it not having been at their option to be obedient or not to the French government. They are alſo at liberty to avail themſelves of the ſtipulations of the ſeventeenth article.

Art. XIX. The Spaniſh priſoners detained on board ſhip in the port of Liſbon, ſhall be given up to the General in Chief of the Britiſh army, who engages to obtain of the Spaniards to reſtore ſuch French ſubjects, either military or civil, as may have been detained in Spain, without being taken in battle or in conſequence of military operations, but on occaſion of the occurrences of the 29th of laſt May, and the days immediately following.

Art. XX. There ſhall be an immediate exchange eſtabliſhed for all ranks of priſoners made in Portugal ſince the commencement of the preſent hoſtilities.

Art. XXI. Hoſtages ſhall be mutually given for the guarantee of the preſent Convention until its final completion.

Art. XXII. It ſhall be allowed to the General in Chief of the French army to ſend an officer to France with the intelligence of the preſent Convention. A veſſel will be forwarded, furniſhed by the Britiſh Admiral, to convey him to Bourdeaux or Rochefort.

Art. XXIII. The Britiſh Admiral will be invited to accommodate His Excellency the Commander in Chief,

and the other principal officers of the French army, on board of ſhips of war.

Done and concluded at Liſbon, this 28th day of Auguſt, 1808.

(Signed)

GEORGE MURRAY,
Quarter-Maſter-General.

Le Général de Diviſion,
KELLERMANN.

Additional Articles to the Convention of the 28th Auguſt, 1808.

Art. I. The Seventeenth Article having particularly in view the ſubjects of his Daniſh Majeſty, Lieut. Col. Murray admits having been apprized of the ſame, and that he conſiders the ſtipulations of that Article to be applicable to them in their full extent.

Art. II. The individuals in the civil employment of the army made priſoners, either by the Britiſh troops, or by the Portugueſe, in any part of Portugal, will be reſtored, as is cuſtomary, without a change.

Art. III. The French army ſhall be ſubſiſted from its own magazines, up to the day of the embarkation; the garriſons, up to the day of the evacuation of the fortreſſes: the remainder of the magazines ſhall be delivered over, in the uſual form, to the Britiſh government, which charges itſelf with the ſubſiſtence of the men and horſes of the army from the above-mentioned periods, till their arrival in France, under the condition of being reimburſed by the French government, for the exceſs of the expence, beyond the eſtimation to be made by both parties of the value of the magazines delivered up to the Britiſh army.

Art. IV. The General commanding the Britiſh troops will take the neceſſary meaſures for re-eſtabliſhing the free circulation of the means of ſubſiſtence between the country and the capital.

Art. V. Should it be found neceſſary to employ Daniſh veſſels, or thoſe of any other nation, in carrying the French army, in aid of the Britiſh tranſports, they ſhall,

in like manner with theſe latter, quit the ports of France immediately on the diſembarkation being effected.

They are not to be detained in France on any pretext, and they ſhall enjoy the ſame advantage ſtipulated for the Engliſh ſhips, of returning unmoleſted to a friendly port.

Done and concluded at Liſbon this 28th day of Auguſt, 1808.

(Signed) GEORGE MURRAY,
Quarter-Maſter-General.

Le Général de Diviſion,
KELLERMANN.

Alterations, directed to be made, to the Treaty of the 28th Auguſt.

Art. III. The words *à ſes frais* to be omitted.

Art. V. Is underſtood to apply to the baggage uſually poſſeſſed by military officers and perſons attached to the army, as explained, by General Kellermann, in the negotiation for the agreement for the ſuſpenſion of hoſtilities.

Property belonging to churches, monaſteries, galleries of paintings, &c. &c. cannot be carried away. In reſpect to the ſecurity of purchaſes of property, it is a queſtion of law in which the Commander in Chief cannot interfere.

Art. VI. Muſt run thus: "La cavalerie embarquera ſes chevaux, les officiers generaux et autres de tout rang embarqueront le nombre de chevaux qui leur ſont accordés par les lois Françaiſes, pourvu que le Général en Chef de l'armée Françaiſe peut trouver les moyens de tranſport de ce genre, au tems fixé pour l'embarquement de l'armée Françaiſe.

Il ſera accordé, à l'armée Françaiſe, toute facilité pour diſpoſer des chevaux qui ne ſeroient point embarqués.

Art. VII. The firſt diviſion muſt embark, within the period of ſeven days, and the others as ſoon as the Britiſh Admiral can prepare the tranſports.

Art. XII. La remiſe des forts de Caſcaes, St. Julien, Bugio, Belem, et de tous les forts et batteries ſur la rive droit du Tage, et celles au deſſous de Caſcaes,

aura lieu toute de ſuite après l'échange des ratifications, et celle de Liſbonne aura lieu à l'embarquement de la ſeconde diviſion de l'armée Françaiſe.

Art. XIII. Is totally inadmiſſible, and unneceſſary in the new form of the Treaty.

Art. XVII. All ſtrangers, of every deſcription, now reſiding, or being, in Portugal, ſhall be protected in their perſon and property as far as depends upon the Commander in Chief of the Britiſh army, as long as they will conduct themſelves in conformity with the laws of the country: in caſe ſuch ſtrangers ſhould be deſirous of withdrawing from the country, they ſhall be ſo allowed, and have a reaſonable time allowed them to diſpoſe of their property; and every other arrangement reſpecting them muſt depend upon the civil government of the country.

Art. XVIII. Nul Portugais ne ſera recherché de la part du Commandant en Chef de l'armée Anglaiſe pour la conduite politique qu'il aura tenu pendant l'occupation de Portugal par l'armée Françaiſe; et tout Portugais qui voudra ſe retirer du Portugal avec l'armée Françaiſe en aura la facilité ſous la ſauve garde et protection du Commandant en Chef de l'armée Anglaiſe.

Firſt additional Article. If the Seventeenth Article, even in its new form, is intended to apply in any manner to Daniſh property afloat, the Commander in Chief of the army cannot treat upon it.

Fifth additional Article. The ſhips, belonging to nations, at war with Great Britain, cannot be allowed to be uſed as tranſports on this occaſion.

A true Copy.

(Signed)

A. DALRYMPLE,
Major, Mil. Sec.

THE END.

S. Gosnell, Printer, Little Queen Street.

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